



भारत का राजपत्र

The Gazette of India

प्रधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 32] नई दिल्ली, शनिवार, अगस्त 12, 1967/श्रावण 21, 1889
 No. 32] NEW DELHI, SATURDAY, AUGUST 12, 1967/SRAVANA 21, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 25 जुलाई 1967 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to 25th July, 1967:—

Issue No.	No. and Date	Issued by	Subject
367	S.O. 2389, dated 17th July, 1967.	Ministry of Steel, Mines and Metals.	Specifying a further period of one year commencing from the 17th July, 1967 as the period with which the Central Government may give notice of its intention to acquire the lands or of any rights in or over such lands specified in the schedule therein.
368	S.O. 2389, dated 17th July, 1967.	Ministry of Commerce	Extending the period of enforcement of order S. O. 1625, dated 18th July, 1959 for a further period of one year from the 18th July, 1967.
369	S.O. 2390, dated 17th July, 1967.	Do.	Appointment of a body of persons for making a complete investigation regarding fall of production in respect of cotton textiles manufactured in the Baroda Spinning and Weaving Company Ltd., Baroda, Gujarat State.

Issue No.	No. and Date	Issued by	Subject
370	S.O. 2454, dated 18th July, 1967.	Ministry of Commerce.	Corrigenda to S.O. 834, dated 9th March, 1967.
371	S.O. 2455, dated 18th July, 1967.	Election Commission, India.	Bye-election to the House of the People from the Kokrajhar Parliamentary Constituency.
372	S.O. 2456, dated 18th July, 1967.	Do.	Elections to the Council of States by the elected members of the Legislative Assembly of Gujarat.
373	S.O. 2457, dated 18th July, 1967.	Ministry of Commerce.	Authorising Shri K. D. Rathi, to take over the management of the Model Mills Nagpur Limited, Nagpur.
374	S.O. 2458, dated 19th July, 1967.	Ministry of Information and Broadcasting.	Approval of the film as specified therein.
375	S.O. 2459, dated 22nd July, 1967.	Do.	Approval of the films as specified therein.
376	S.O. 2460, dated 22nd July, 1967.	Central Board of Direct Taxes.	The Income-tax (Fourth Amendment) Rules, 1967.
377	S.O. 2461, dated 24th July, 1967.	Ministry of Commerce.	Further amendment in the second Schedule of the Indian Tariff Act, 1934.
378	S.O. 2462, dated 24th July, 1967.	Ministry of Steel, Mines and Metals.	Rescission of S.O. No. 1125, dated 1st April, 1967.
	S.O. 2463, dated 24th July, 1967.	Do.	Rescission of S.O. No. 1126, dated 1st April, 1967.
	S.O. 2464, dated 24th July, 1967.	Do.	Authorising a person to acquire or purchase or agree to acquire or purchase non-coking coals etc.
	S.O. 2465, dated 24th July, 1967.	Do.	Prescribing the classes and grades into which coal shall be categorised.
379	S.O. 2560, dated 24th July, 1967.	Ministry of Finance.	The Tax Credit Certificate (shifting of Industrial Undertakings) Scheme, 1967.
380	S.O. 2561, dated 25th July, 1967.	Ministry of Law.	Bye-election to fill casual vacancy.

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख में 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II-खण्ड 3-उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

ORDER

New Delhi, the 29th July 1967

S.O. 2665.—Whereas the Election Commission is satisfied that Shri Durga Dutt Sarawgi of Cart Sarai Road, Ranchi, P.O. and District Ranchi, a contesting candidate for election to the House of the People from Ranchi constituency, has failed to lodge an account of his election expenses within the time required by the Representation of the People Act, 1951, and the Rules made thereunder and has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sarawagi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/48/67(6).]

By Order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF LAW

(Legislative Department)

CORRIGENDA

New Delhi, the 1st August 1967

S.O. 2666.—In this Ministry's notification No. S.O. 766, dated the 3rd March, 1967, published in the Gazette of India, Extraordinary, Part II, Section (3)—Sub-section (ii), dated the 3rd March, 1967;

- (a) at page 524/7, in Serial No. (3), under the heading "Gujarat" for the words and figure "4-Kozhikode Parliamentary Constituency" read "4-Jamnagar Parliamentary Constituency";
- (b) at page 524/30, in Serial No. (23), under the heading "Maharashtra", for the words "Shri Chavan, Yeshwantrao Balwantrao" read "Shri Chavan, Yeshwantrao Balwantrao";
- (c) at page 524/56, under the heading "Tripura", the brackets and figure "(1)" may be inserted; and
- (d) under Serial No. (1) so inserted, for the words and figure "1-Tripura Parliamentary Constituency" read "1-Tripura West Parliamentary Constituency".

2. In this Ministry's notification No. S.O. 916, dated the 10th March, 1967, published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), dated the 14th March, 1967,

- (a) at page 671, in Serial No. (4), under the heading "Gujarat", for the words and figures "21, Patan Parliamentary Constituency" read "12, Patan Parliamentary Constituency";
- (b) at page 683, in Serial No. (18), under the heading "Orissa", for the word "Shri Gurucharan Naik of Village Mahadevnasa, P. O. Deojhar, Via

Palace, Dhenkanal" read "Shri Guru Charan Naik Village Mahadevnasa P. O. Deojhar Via Joda District Keonjhar";

(c) at page 684, in Serial No. (3), under the heading "Punjab", for the words "Taran-Taran", read "Tarn Taran";

(d) at page 685, in Serial No. (5), under the heading "Punjab", for the word "declare" read "I declare"; and

(e) at page 692, in Serial No. (1), under the heading "Himachal Pradesh", for the word and figures "Date: 28th February, 1967", read "Date: 24th February, 1967".

3. In this Ministry's notification No. S. O. 1344, dated the 12th April, 1967, published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), dated the 12th April, 1967, at pages 908 and 909, in Serial Nos. (16), (17), (18) and (19), under the heading "Bihar", for the words "S. S. Sharma, Returning Officer", wherever they occur, read "S. S. Sharan, Returning Officer."

[No. F. 5(1)/67-Elec.]

A. S. LOKANATHAN, Under Secy.

CABINET SECRETARIAT

(Department of Statistics)

New Delhi, the 1st August 1967

S.O. 2667.—In exercise of the powers conferred by section 14 of the Collection of Statistics Act, 1953 (32 of 1953), the Central Government hereby makes the following rules, further to amend the Collection of Statistics (Central) Rules, 1959, the same having been previously published as required by sub-section (1) of the said section, namely:—

1. These rules may be called the Collection of Statistics (Central) Amendment Rules, 1967.

2. In rule 2 of the Collection of Statistics (Central) Rules, 1959, in clause (5), for sub-clause (b) the following sub-clause shall be substituted, namely:—

"(b) In any other case, the accounting year of the factory ending on any date between 1st of April of the year in respect of which the statistics are being collected and the 31st of March of the succeeding year."

[No. 16/6/67-Estt. II.]

S. P. JAIN, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 29th July 1967

S.O. 2668.—In exercise of the powers conferred by Section 3 of the Emigration Act, 1922 (VII of 1922), the Central Government hereby appoint Shri K. Krishnamurthy Rao, Public Relations Officer, Regional Passport and Emigration Office, Madras to be Protector of Emigrants, Madras in addition to his own duties with effect from June 29, 1967 vice Shri V. T. Menon promoted.

[No. F. 3(37)/V. IV/59.]

[No. CPEO/12/67.]

C. S. V. SUNDRAM,

• Attache VA.

MINISTRY OF HOME AFFAIRS

New Delhi, the 5th August 1967

S.O. 2669.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—

1. (1) These rules may be called the Authentication (Orders and other Instruments) Sixth Amendment Rules, 1967.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Authentication (Orders and other Instruments) Rules, 1958, after clause (ak), the following clause shall be inserted, namely:—

“(al) in the case of orders and other instruments relating to the Ministry of Commerce, by the Director (Vigilance) and Deputy Directors (Export Promotion) in that Ministry.”

[No. 3/3/67-Pub.I.]

FATEH SINGH, Jt. Secy.

New Delhi, the 5th August 1967

S.O. 2670—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules further to amend the Manipur Employees (Revision of Pay) Rules, 1966.

1. These rules may be called the Manipur Employees (Revision of Pay) Amendment Rules 1967.

2. In Schedule to the Manipur Employees (Revision of Pay) Rules 1966:—

(i) under the heading ‘Judicial Department’ after item 8, the following entries shall be inserted under columns 1,2,3 and 4 respectively:—

“9. Registrar Judicial Commissioner’s Court	Rs. 250-250-300-Con-20-500-EB-25-650-EB-25-750	Rs. 350-30-500-EB-30-650-EB-35-1000.
---	--	--------------------------------------

(ii) under the heading “Public Works Department” after item No. 40, the following entries shall be inserted under columns 1,2,3 and 4 respectively.

41. Divisional Mechanic	Rs. 75-4-115-EB-4-135-5-150.	Rs. 140-6-170-EB-7-205-EB-7-275.
42. Assistant Divisional Mechanic	Rs. 60-2-80-EB-2½-100.	Rs. 110-3-125-EB-3-140-EB-3-149-4-165.
43. Fitter (1st Class) Head Fitter.	Rs. 75-4-115-EB-4-135-5-150.	Rs. 125-4-145-EB-4-165-EB-5-200.
44. Fitter (2nd Class)	Rs. 50-2-78-EB-3-90.	Rs. 100-3-115-EB-3-130-EB-3-142-4-150.
45. Carpenter and pattern maker	Rs. 75-4-115-EB-4-135-5-150.	Rs. 125-4-145-EB-4-165-EB-5-200.
46. (i) Assistant Carpenter and Pattern maker	Rs. 60-2-80-EB-2½-100.	Rs. 110-3-125-EB-3-140-EB-3-149-4-165.
(ii) Carpenter Grade I		
47. Carpenter (Grade II)	Rs. 50-2-78-EB-3-90.	Rs. 100-3-115-EB-3-130-EB-3-142-4-150.
48. Black Smith (Workshop)	Rs. 75-4-115-EB-4-135-5-150.	Rs. 125-4-145-EB-4-165-EB-5-200.
49. 2nd Class Blacksmith.	Rs. 50-2-78-EB-3-90.	Rs. 100-3-115-EB-3-130-EB-3-142-4-150.
50. Water Works Fitter.	Rs. 75-4-115-EB-4-135-5-150.	Rs. 125-4-145-EB-4-165-EB-5-200.
51. Divisional Electrician	Rs. 75-4-115-EB-4-135-5-150.	Rs. 125-4-145-EB-4-165-EB-5-200.
52. Assistant Electrician	Rs. 60-2-80-EB-2½-100.	Rs. 110-3-125-EB-3-140-EB-3-149-4-165.
53. Overseer.	Rs. 90-5-115-EB-5-150.	Rs. 140-6-170-EB-7-205-EB-7-275.
54. Mechanical Draftsman	Rs. 75-4-115-EB-4-135-5-150.	Rs. 140-6-170-EB-7-205-EB-7-275.
55. Electric Welder.	Rs. 75-4-115-EB-4-135-5-150.	Rs. 125-4-145-EB-4-165-EB-5-200.
56. Plumber	Rs. 75-4-115-EB-4-135-5-150.	Rs. 125-4-145-EB-4-165-EB-5-200.
57. Assistant Welder (Gas).	Rs. 60-2-80-EB-2½-100.	Rs. 110-3-125-EB-3-140-5-149-4-165.
58. Mason Carpenter-cum Mason Painter.	Rs. 50-2-80-EB-3-90	Rs. 100-3-115-EB-3-130-EB-3-142-4-150

59. Jugali (Electrical and Mechanical).	Rs. 35-1-45.	Rs. 80-1-90-2-100-2-50-115-3-130.
60. Head Khalasi	Rs. 35-1-45.	Rs. 85-1-90-2-100-2-50-105-3-135.
61. Radderman (Boatman)	Rs. 35-1-45.	Rs. 80-1-90-2-100-2-50-115-3-130.
62. Khalasi Khalasi & Jugali Belder.	Rs. 28- $\frac{1}{2}$ -34-1-40.	Rs. 80-1-90-2-100-2-50-115-3-130.

(iii) Under the heading "Community Development Department", in column 4, against entry No. 17, the scale of pay of Rs. 100-3-115-EB-3-130-EB-3-142-4-150, shall be replaced by the scale of pay of Rs. 125-4-145-EB-4-165-EB-5-200.

(iv) Under the heading 'Community Development Department' after item 27, the following entries shall be inserted under columns 1, 2, 3 and 4 respectively.

28. Artist-cum-Draftsman	Rs. 150-7 $\frac{1}{2}$ -165-10-225.	Rs. 200-12-50-250-EB-12-50-275-15-350-EB-15-500. (For those who pass the Normal Course in Arts and Crafts or for holders of diploma/certificate from a recognised Art Institution).
29. Village Level Workers Gram Sevak	Rs. 65-5-85.	Rs. 125-4-145-EB-4-165-5-200.

[No. 1/16/65-HMT.]

V. P. MALHOTRA, Dy. Secy.

CORRIGENDUM

New Delhi, the 5th August 1967

S.O. 2671.—In the Order of the Government of India in the Ministry of Home Affairs published as S.O. No. 2146 in the Gazette of India, Part II, Section 3 sub-section (ii), dated the 1st July, 1967 at page 2183, for "26th June, 1967", read "24th June, 1967".

[No. 228/1/67-AVD-II.]

C. A. NAIR, Under Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 1st August 1967

S.O. 2672.—In exercise of the powers conferred by paragraph 6(vii) of the scheme of amalgamation of the Pie-Money Bank (Private) Ltd. with the Syndicate Bank Ltd. [sanctioned by the Central Government under section 45(7) of the Banking Regulation Act, 1949 (10 of 1949) and by its notification No. F. 4(87)-BC/61(III) dated the 26th August 1961] the Central Government, after consultation with the Reserve Bank of India, hereby specifies a period of two months from the date of this order, as the period for the purposes of the paragraph 6(vii) of the said scheme of amalgamation.

[No. F. 17(7)-BC/67.]

S.O. 2673.—In exercise of the powers conferred by paragraph 6(vii) of the scheme of amalgamation of the Moolky Bank Ltd. with the Syndicate Bank Ltd. [Sanctioned by the Central Government under section 45(7) of the Banking Regulation Act, 1949 (10 of 1949) and by its notification No. F. 4(87)-BC/61(IV) dated the 26th August 1961], the Central Government, after consultation with the Reserve Bank of India, hereby specifies a period of two months from the date of this order, as the period for the purposes of the paragraph 6(vii) of the said scheme of amalgamation.

[No. F. 17(7)BC/67(i).]

New Delhi, the 4th August 1967

S.O. 2674.—Statement of the Affairs of the Reserve Bank of India as on the 28th July, 1967.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	42,67,15,000
		Roper Coin	10,57,000
Reserve Fund	80,00,00,000	Small Coin	3,19,000
National Agricultural Credit (Long Term Operations) Fund . . .	131,00,00,000	Bills Purchased and Discounted	
		(a) Internal
		(b) External
National Agricultural Credit (Stabilisation) Fund	25,00,00,000	(c) Government Treasury Bills . .	206,58,65,000
		Balances Held Abroad*	17,59,30,000
National Industrial Credit (Long Term Operations) Fund	30,00,00,000	Investments**	350,99,47,000
		Loans and Advances to :	
		(i) Central Government
		(ii) State Governments@	44,61,75,000
Deposits—		Loans and Advances to : —	
(a) Government—		(i) Scheduled Commercial Banks†	67,60,000
(i) Central Government	93,26,82,000	(ii) State Co-operative Banks††	134,00,81,000
		(iii) Others	2,77,05,000

LIABILITIES		Rs.	ASSET		Rs.
			Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund		
(ii) State Governments		14,27,21,000	(a) Loans and Advances to :—		
			(i) State Governments		28,33,27,000
			(ii) State Co-operative Banks		15,01,31,000
			(iii) Central Land Mortgage Banks		
(b) Banks—			(b) Investment in Central Land Mortgage Bank Debentures		7,49,90,000
(i) Scheduled Commercial Banks		134,16,47,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—		
(ii) Scheduled State Co-operative Banks		4,93,90,000	Loans and Advances to State Co-operative Banks		8,65,18,000
(iii) Non-Scheduled State Co-operative Banks		70,76,000			
(iv) Other Banks		20,42,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—		
(c) Others		317,82,04,000	(a) Loans and Advances to the Development Bank		5,24,15,000
Bills Payable		27,64,34,000	(b) Investment in bonds/debentures issued by the Development Bank		
Other Liabilities		36,13,45,000	Other Assets		35,36,06,000
Rupees		900,15,41,000	Rupees		900,15,41,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operation) Fund and the National Industrial Credit (Long Term Operations) Fund

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. NIL advanced to Scheduled Commercial Banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 2nd day of August, 1967.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 28th day of July, 1967

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion :—		
Notes in Circulation	42,67,15,000		(a) Held in India	115,89,25,000	
	2953,93,15,000		(b) Held outside India	
Total Notes issued		2996,60,30,000	Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		74,37,46,000
			Government of India Rupee Securities		2639,91,59,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		2996,60,30,000	TOTAL ASSETS		2996,60,30,000

Dated the 2nd day of August, 1967.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/67.]
V. SWAMINATHAN,
Under Secy.

(Department of Revenue and Insurance)

New Delhi, the 28th July 1967

S.O. 2675.—In pursuance of sub-paragraph (3) of paragraph 6 of the Notification of the Government of India in the Ministry of Finance, Department of Revenue and Insurance No. S.O. 683 dated the 25th February, 1967, [published in part II Section 3(ii) of the Gazette of India Extraordinary dated the 28th February, 1967], I, Jasjit Singh, Administrator hereby authorise the following officers of the Government of India Mint at Bombay to exercise or discharge all or any of the powers or function enumerated in that sub-paragraph, namely:—

1. The Master of the Mint;
2. The Assistant Master of the Mint;
3. The Works Manager;
4. Chief Assayer;
5. The Deputy Chief Assayer;
6. The Assay Superintendent.

[No. F. 1/99/67-GC.II.]

New Delhi, the 2nd August 1967

S.O. 2676.—In exercise of the powers conferred by sub-rule (4) of rule 126-J of the Defence of India Rules, 1962, and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. F. 1/81/63-GC, dated the 29th October, 1963, I, Jasjit Singh, Administrator, hereby authorise the Deputy Secretary in the Office of the Gold Control Administrator, Bombay, to exercise the powers conferred on the Administrator by rules 126-B, 126-CC, 126-G, and 126-H and sub-rules (14) and (15) of rule 128-L, of the Defence of India Rules, 1962.

[No. F. 1/73/67-GC.II.]

JASJIT SINGH, Administrator.

(Department of Revenue and Insurance)

ESTATE DUTY

New Delhi, the 28th July 1967

S.O. 2677.—In exercise of the powers conferred by sub-section (3) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints the persons whose names are given in the appendix as Valuers for the purpose of the said Act for a period of five years from the date of this Notification.

2. The scale of charges for the remuneration of Valuers appointed by the Central Government for valuing any property shall be as fixed below and no such Valuer shall charge a fee at a scale higher than the scale so fixed:

Provided that where two or more properties are required to be valued—

- (i) by a Committee of Arbitration or by a third valuer in pursuance of a single order, or
- (ii) by a Valuer, in pursuance of a single reference made by a Controller of Estate Duty or at the instance of an accountable person,

all such properties shall be deemed to constitute a single unit of property for the purposes of fixing the fee payable to the Committee or the Valuer, as the case may be:

Provided further that where the same property or properties required to be valued by the same Committee of Arbitration or, as the case may be, by the same Valuer is or are common to more than one case and the valuation relates to the same date, the Committee of Arbitration or the Valuer shall be entitled to charge fees at the scale fixed below only in one case and in the remaining case or cases the said Committee of Arbitration or Valuer shall be entitled to charge fees not exceeding rupee one hundred per case.

Scale of charges

On the first Rs. 50,000/- of the property so valued	so	$\frac{1}{4}\%$ of the value
On the next Rs. 1,00,000/- of the property so valued		$\frac{1}{2}\%$ of the value
On the balance of the property so valued		$\frac{1}{4}\%$ of the value

3. Notwithstanding anything contained in paragraph 2. the remuneration payable to a Valuer shall in no case be less than rupees fifty.

APPENDIX

Sl No.	Name	Address
<i>I—Engineers/Surveyors/Architects</i>		
1.	Shri Arunachalam, S., B.E., A.M.I.E.	60/13, Edward Elliotts Road, Mylapore, Madras-4.
2.	Shri Noronha, J.H.M., B.E. (Hons.), A.M.I.E., A.F.P.W.I.	21-6, Hoige Bazar, Mangalore-1.
3.	Shri Musaddi Lal, B.Sc., M.I.E., M.I.C.E., F.A.S.C.E.	F 1/A River Bank Colony, Lucknow.
4.	Shri Patel, Rambhai K., B.E. (Civil)	Opp. Khanderao Market, Rajmaha Road, Baroda-1.
5.	Shri Khadepaw, B.D., B.E. (Civil), A.M.I.E.	9/1324, Balaji Road, Surat, Gujarat State.
6.	Shri Kavasji, K. J., B.E. (Civil)	93, The Mall, Amritsar.
7.	Shri Kumawat, B.L., G.D. Arch., F.I.I.A.	Opposite Dungri House, Baba Harish Chandra Marg, Chowkri Topkhana Desh, Jaipur City (Rajasthan).
8.	Shri Patel, Suryakant, A.R.I.B.A. (Lon), A.I.I.A.	Vishwamitri Bridge Tilak Road, Baroda.
<i>II—Jewellery, Precious stones and ornaments</i>		
1.	Shri Metha, Surendra Manilal	C/o M/s Bapalal & Co. Jewellers, Ramakoti Building, Rattan Bazar, Madras-3.
2.	Shri Mehta, Navnit Surajmal	C/o M/s Bapalal & Co. Jewellers, Ramakoti Building, Rattan Bazar, Madras-3.
3.	Shri Mehta, Suresh Bapalal	c/o M/s Bapalal & Co. Jewellers, Ramakoti Building, Rattan Bazar, Madras-3.
4.	Shri Mehta, Harindra Manilal	c/o M/s Bapalal & Co. Jewellers, Ramakoti Building, Rattan Bazar, Madras-3.
<i>III—Valuation of Standing Forests</i>		
1.	Shri Ramakrishna, A., B.Sc. (Hons), A.I.F.C.	Conservator of Forests, Guntur Circle, Guntur.

[No. F. 5/59/67-B.D.]
G. R. HEGDE, Dy. Secy.

CENTRAL EXCISE COLLECTORATE, BARODA**CENTRAL EXCISES***Baroda, the 5th July 1967*

S.O. 2678.—In pursuance of rule 200 of the Central Excise Rules 1944, the Collector of Central Excise, Baroda hereby empowers all Central Excise Officers of and above the rank of Sub-Inspector of Central Excise in Baroda Central Excise Collectorate, who are in Central Excise uniform or who possess cards showing their identity, to exercise within their respective jurisdiction the powers under the said rule:

Provided that the power to search under the said rule shall be exercised by Sub-Inspectors of Central Excise only in relation to unmanufactured products.

[No. 3/67.]

S.O. 2679.—In pursuance of rules 197 and 199 of the Central Excise Rules, 1944, the Collector of Central Excise, Baroda hereby empowers all Central Excise Officers of and above the rank of Sub-Inspector of Central Excise in Baroda Central Excise Collectorate, who are in Central Excise uniform or who possess an identity card issued to them by an officer not inferior in rank to an Assistant Collector of Central Excise, to exercise within their respective jurisdiction the powers under the said rules.

[No. 4/67.]

A. K. ROY, Collector.

BOMBAY CENTRAL EXCISE COLLECTORATE**CENTRAL EXCISES***Bombay, the 21st July 1967*

S.O. 2680.—In column No. I against S. No. 1 of the table subjoined to this Collectorate Notification No. CER/233/T/1/57 dated the 10th January 1967, for the words, "All officers of Central Excise" the words; "All Central Excise officers in the Bombay Central Excise Collectorate, who are in the Bombay Central Excise Uniform or who possess an identity card issued to them by an officer not inferior in rank to an Assistant Collector of Central Excise, within their respective jurisdiction." should be substituted

In column III against S. No. 2 of the table sub-joined to this Collectorate Notification No. CER/233/T/1/57 dated 10th January, 1957, add the following limitation clause as clause VI

- (VI) The powers under Rule 197 shall be exercised by all Central Excise Officers of and above the rank of sub-Inspector of Central Excise in Bombay Central Excise Collectorate, who are in Central Excise Uniform or who possess an identity card issued to them by an officer not inferior in rank to an Assistant Collector of Central Excise, within their respective jurisdiction

[No. V(41)30-33/T/67.]

[No. C.E.R./233/T/3/67.

A. K. ROY, Collector.

MINISTRY OF COMMERCE*New Delhi, the 3rd August 1967*

S.O. 2681.—In exercise of the powers conferred by section 4 of the Coir Industry Act, 1953 (45 of 1953) read with sub-rule (1) of rule 5 of the Coir Industry Rules

1954, as amended by the Coir Industry (Amendment) Rules 1963, the Central Government hereby makes the following further amendment to the Ministry of Commerce's Notification No SO 2672 dated the 31st August, 1966 namely—

For the existing entries at Sl No 1 and 2 under the heading "(e) Members of Parliament" the following shall be substituted, namely—

1) Shrimati Suseela Gopalan, Member Lok Sabha

2 Shri V Sambasivam, Member, Lok Sabha "

[No F 21(1)/66-TEX (E)]

A G V SUBRAHMANYAM, Under Secy.

(Office of the Jt. Chief Controller of Imports and Exports)

ORDERS

Bombay, the 5th May 1967

S.O. 2682.—M/s Associated Pen Industries, Bombay were granted an import licence No 1553332 on 10th August 1966. They have applied for a duplicate of the licence on the ground that the original Customs copy of licence has been lost or misplaced. It is further stated that the original licence was not registered with the Custom House and not utilized.

In support of this contention, the firm have filed an affidavit. I am satisfied that the original L No 1553332 (Customs Copy) has been lost or misplaced and direct that a duplicate Customs Copy of the licence should be issued to the firm. The original licence (Customs copy) is cancelled.

(Issued from file No A 63/AM 67/SPL/BOM/SSI II/NP)

Bombay, the 8th May 1967

S.O. 2683.—M/s. Woman Sakham Rawool, Bhayander were granted an import licence No P/SS/1531416 on 6th April 1965. They have applied for a duplicate of the licence on the ground that the original licence (Exchange Control Copy) has been lost or misplaced. It is further stated that the original licence was registered with the Custom House and partly utilized.

In support of this contention, the firm have filed an affidavit. I am satisfied that the original licence No P/SS/1531416 (Exchange Control Copy) has been lost (or misplaced) and direct that a duplicate copy of the Exchange Control Copy of this licence should be issued to the firm. The original licence (Exchange Control Copy) is cancelled.

(Issued from File No W-3/Dyes/AM 65/AU-IV)

Bombay, the 28th June 1967

SUBJECT --Order for cancellation of exchange control copy of the licence No P/CG/2056537 dated 26th October 1966 issued in favour of M/s. Aditya Mills Ltd., Stadium House, Veer Nariman Road, Bombay

S.O. 2684.—M/s Aditya Mills Ltd., Bombay was granted an import licence No. P/CG/2056537 dated 26th October 1966 for Rs 92,000/- for the import of one Kamitsu M T Auto winder of 120 drums with automatic knotters, essential spares and accessories under STC/JTMMA 10 Million Dollar Yen Credit 1965 for the licensing period April 66/March 67. They have applied for a duplicate copy of the licence on the ground that the original exchange control copy of the licence has been lost or misplaced. It is further stated that the original licence was not registered with any Customs House and not utilised.

2 In support of this contention the applicant has filed an affidavit on a stamped paper duly attested before the Deputy Registrar, Presidency Magistrate's Courts, Esplanade, Bombay. I am satisfied that the original licence No P/CG/2056537 dated 26th October 1966 has been lost or misplaced and direct that a duplicate exchange control copy of the licence should be issued to the applicant. The original licence No P/CG/2056537 dated 26th October 1966 is cancelled.

[No 1]

(Issued from File No CG/A 38/AM67/AUI)

Bombay the 29th June 1967

SUBJECT:—Order for Cancellation of Import Licence No. P/AU/1257303 dated 30th May 1965 issued to M/s. Hukumchand Mills Ltd., Indore.

S.O. 2685.—M/s. Hukumchand Mills Ltd. Indore was granted an Import Licence No. P/AU/1257303 dated 30th May 1965 for Rs. 1300/- for the import of one Boding Gear Motor 1/50 H.P. for Cooker sizing Machine 2. Special Elec. Fractional Horse-power Motors for Famatex Stentering Machine 3. Todo Electric Motor R.C.M. 183 4. One special Eldro Motor for Truetzchler's blow room plant 5. One Electric Motor for the Erhardt and Leimer Introduction Device of the felt Calender Finishing Machine, under S. No. 32. d. II for Licensing period A.M. 65: They have applied for a duplicate copy of the licence for Ex. Control Purpose on the ground that the original Exchange Control Purposes copy has been lost or misplaced, after having been utilised for Rs. 578/- and Duplicate copy now required is to cover the balance of Rs. 722/-.

In support of this contention, the applicant has filed an Affidavit on stamped paper duly attested before the presidency Magistrate, Esplanade, Bombay. I am satisfied that the original licence No. P/AU/1257303 dated 30th May 1965 exchange Copy has been lost or misplaced and Directed that a duplicate licence/Exchange Copy should be issued to the Applicant. The Original Licence No. P/AU/1257303 dated 30th May, 1965 is cancelled.

[No. I.]

(Issued from file No. NCC/H-167/AM65/AU2.)

Bombay, the 30th June 1967

SUBJECT:—Order for cancellation of Custom purpose copy of the licence No. P/AU/1008418 dt. 16th January 1965 issued in favour of M/s. Model Woollen Mills, 4 C Vulcan Insurance Bldg., Veer Nariman Road, Bombay.

S.O. 2686.—M/s. Model Woollen Mills, Bombay was granted an import licence No. P/AU/1008418 dated 16th January 1965 for Rs. 55,000/- for the import of one automatic fringing machine with permissible type of spares accessories and motors as additional installation under Italian Credit D.P. Terms for the licensing period AM 65. They have applied for a duplicate custom purpose copy of the licence on the ground that the original custom purpose copy of the licence has been lost or misplaced. It is further stated that the original licence was not registered with any customs house and not utilised.

2. In support of this contention, the applicant has filed an affidavit on a stamped paper duly attested before the Registrar and Presidency Magistrate, Esplanade, Bombay. I am satisfied that the original custom purpose copy of the licence No. P/AU/1008418 dated 16th January 1965 has been lost or misplaced and direct that a duplicate custom copy of the licence should be issued to the applicant. Original custom purpose copy of the licence No. P/AU/1008418 dated 16th January 1965 is cancelled.

[No. II.]

(Issued from File No. CG/M.198/AM65/AUI.)

Bombay the 1st July 1967

SUBJECT—Order for cancellation of custom copy of the licence No. P/CG/2052467 dated 5th July, 1965, issued in favour of M/s. Maharana Mills Pvt., Ltd., Porbander, Saurashtra.

S.O. 2687.—M/s. Maharana Mills Pvt., Ltd., Porbander were granted an import licence No. P/CG/2052467 dated 5th July, 1965, for Rs. 1,500 for the import of permissible spare (mechanical and electrical) of textile machinery under part III 4/5 and 5/2 under Cash Ceiling for the licensing period AM 65. They have applied for a duplicate custom purpose copy of the licence on the ground that the original custom purpose copy of the licence has been lost or misplaced. It is further stated that the original licence was not registered with any Customs House and not utilised.

2. In support of this contention, the applicant has filed an affidavit on a stamped paper duly attested before the Taluka Magistrate, Porbander. I am satisfied that the original custom purpose copy of the licence No. P/CG/2052467 dated 5th July, 1965, has been lost or misplaced and direct that a duplicate customs purpose copy of the licence should be issued to the applicant. Original licence No. P/CG/2052467 dated 5th July, 1965, is cancelled.

[No. III.]

(Issued from No. CG/M. 75/AM65/AUI.)

Bombay, the 6th July 1967

SUBJECT:—Order for cancellation of Customs purposes copy of the licence No. P/SS/1552492 dated 2nd August, 1966, issued in favour of M/s. Sadhna Industries, 5th Carter Road, Borivli (East), Bombay-66.

S.O. 2688.—M/s. Sadhna Industries, Bombay-66 was granted an import licence No. P/SS/1552492 dated 2nd August, 1966, for Rs. 38,566 for the import of (1) C.A. Film Scrap (2) C.N. Sheets (3) Tetrachloroethane (4) Diacetone Alcohol and (5) Film Based Stamping Foils from G.C.A. for the licensing period April, 1966, March, 1967. They have applied for a duplicate copy of the licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It is further stated that the original licence was registered at Bombay Port.

2. In support of this contention, the applicant has filed an affidavit on a stamped paper duly attested before the Deputy Registrar Presidency Magistrate's Courts, Esplanade, Bombay. I am satisfied that the original licence No. P/SS/1552492 dated 2nd August, 1966, has been lost or misplaced and direct that a duplicate Customs purposes copy of the licence should be issued to the applicant. The original licence No. P/SS/1552492 dated 2nd August, 1966, is cancelled.

[No. 1.]

(Issued from File No. S. 68/AM. 67/Spl./Bom/SSI. III.)
New Delhi, the 6th July 1967

SUBJECT.—Order for cancellation of Customs purposes copy of licence No. P/SS/1549874 dated 26th May, 1966, for Rs. 950 for AM. 66 period and special licence No. P/SS/1551922 dated 18th July, 1966, for Rs. 23976 respectively issued in favour of M/s. Power Industries (India), 369A, Kalbadevi Road Bombay-2 during A.M. 66 and A.M. 67 periods.

S.O. 2689.—M/s. Power Industries (India), Bombay was granted import licences No. P/SS/1549874 dated 26th May, 1966, for Rs. 950 and special licence No. P/SS/1551922 dated 18th July, 1966 for Rs. 23,976 respectively for the import of items shown on the reverse of this order for the licensing period AM. 66 and AM. 67 from G.C.A. They have applied for duplicate copies of licences on the ground that the original Customs purpose copies of the licences have been lost or misplaced. It is further stated that the original licences were not registered with any Customs House and not utilised.

2. In support of this contention, the applicant has filed an affidavit on a stamped paper duly attested before the Asstt. Registrar, Presidency Magistrate Court, Esplanade, Bombay. I am satisfied that the original licences No. P/SS/1549874 dated 26th May, 1966, and No. P/SS/1551922 dated 18th July, 1966 have been lost or misplaced and direct that duplicate Customs purposes copies of the licences should be issued to the applicant. The original licences No. P/SS/1549874 dated 26th May, 1966, and No. P/SS/1551922 dated 18th July, 1966, are cancelled.

[No. 2.]

(Issued from File Nos. P. 107/AM. 66/AU. 8 & 9 and

[P/7/AM. 67/Spl/Bom/SSI. III.]

SUBJECT.—Order for cancellation of Customs purposes copy of licence No. P/SS/1553601 dated 17th August, 1966, for Rs. 23,469 issued in favour of M/s. Kamp Industries, 35/43, Musa Killedar Street, Clerk Road, Jacob Circle, Bombay-11.

S.O. 2690.—M/s. Kamp Industries, Bombay was granted an import licence M No. P/SS/1553601 dated 17th August, 1966, for Rs. 23,469 for the import of items shown on the reverse of this order for the licensing period AM. 67 from G.C.A. They have applied for a duplicate copy of the licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It is further stated that the original licence was not registered with any Customs House and not utilised.

2. In support of this contention, the applicant has filed an affidavit on a stamped paper duly attested before the Deputy Registrar, Presidency Magistrate's Court Esplanade, Bombay. I am satisfied that the original licence No. P/SS/1553601 dated 17th August, 1966 has been lost or misplaced and direct that a duplicate Customs purposes copy of the licence should be issued to the applicant. The original licence No. P/SS/1553601 dated 17th August, 1966, is cancelled.

[No. 3.]

(Issued from File No. K. 53/AM. 67/Spl/Bom/SSI. III.)

Bombay, the 10th July 1967

S.O. 2691.—The Municipal Commissioner, Municipal Corporation, Ahmedabad-1, was granted an import licence No. P/AU/1232631, dated 2nd September 1964. He has applied for a duplicate of the Customs copy of the licence on the ground that the original copy has been lost/misplaced. It is further stated that the original copy has been lost/misplaced. It is further stated that the original customs copy of the licence was not registered with any customs house and was not utilised.

In support of this contention the applicant has filed an affidavit. I am satisfied that the original customs copy of the licence No. P/AU/1232631, dated 2nd September 1964 has been lost/misplaced and direct that a duplicate should be issued to the applicant. The original customs copy of the licence is cancelled.

[No. F, M-4/64-65/AU.5.]

Bombay, the 13th July 1967

SUBJECT.—Order of cancellation of custom purpose copy of the subsidiary licence No. P/CG/2052788, dated 21st September 1965 issued in favour of M/s. Shree Madhusudan Mills Ltd., Shreenivas House, Waudby Road, Bombay.

S.O. 2692.—M/s. Shree Madhusudan Mills Ltd., Bombay was granted an import licence No. P/CG/2052788, dated 21st September 1965 for Rs. 734 for the import of permissible spare parts falling under III. 4.5. and 5.2 and 4.5. under cash ceiling for the licensing period AM 64. They have applied for a duplicate custom copy of the subsidiary licence on the ground that the custom copy of the subsidiary licence has been lost or misplaced. It is further stated that the subsidiary licence was not registered with any Customs House and not utilised.

2. In support of this contention, the applicant has filed an affidavit on a stamped paper duly attested before the Presidency Magistrate, Esplanade, Bombay. I am satisfied that the custom purpose copy of the subsidiary licence No. P/CG/2052788, dated 21st September 1965 has been lost or misplaced and direct that a duplicate custom copy of the subsidiary licence should be issued to the applicant. The subsidiary custom purpose copy of licence No. P/CG/2052788, dated 21st September 1965 is cancelled.

[No. IV.]

(Issued from file No. CG/S. 161/AM64/AUT.)

Bombay, the 17th July 1967

SUBJECT:—Order for cancellation of Customs purposes copy of licence No. P/SS/1548350, dated 19th April 1966 for Rs. 2,800 issued in favour of M/s. Dahanu Industrial Works, Dahanu Road (W. Rly.), Dist. Thana.

S.O. 2693.—M/s. Dahanu Industrial Works Dahanu Road, Dist. Thana were granted an import licence No. P/SS/1548350, dated 19th April 1966, for Rs. 2,800 for the import of items shown on the reverse of this order for the licensing period AM. 68 from G.C.A. They have applied for a duplicate copy of the licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It is further stated that the original licence was not registered with any Customs House and not utilised.

2. In support of this contention, the applicant has filed an affidavit on a stamped paper duly attested before the Deputy Registrar, Presidency Magistrate's Court, Esplanade, Bombay. I am satisfied that the original licence No. P/SS/1548350, dated 19th April 1966 has been lost or misplaced and direct that a duplicate Customs purposes copy of the licence should be issued to the applicant. The original licence No. P/SS/1548350, dated 19th April 1966 is cancelled.

[No. 1.]

(Issued from File No. D-6/AM-66/AU.4&7/Others).

Bombay, the 20th July 1967

SUBJECT.—Order for cancellation of Customs purposes copy of licence No. P/SS/1551567, dated 18th July 1966 for Rs. 3,465 issued in favour of M/s. Shankar Ramchandra and Brothers, 128, V.G. Road, Poona.

S.O. 2694.—M/s. Shankar Ramchandra & Brothers, Poona was granted an import licence No. P/SS/1551567, dated 18th July 1966, for Rs. 3,465 for the import of items shown on the reverse of this order for the licensing period AM-66 from G.C.A. They have applied for a duplicate copy of the licence on the ground that

the original Customs purposes copy of the licence has been lost or misplaced. It is further stated that the original licence was not registered with any Customs House and not utilised.

2 In support of this contention, the applicant has filed an affidavit on a stamped paper duly attested before the Deputy Divisional Magistrate's Court, Poona City. I am satisfied that the original licence No. P/SS/1551567, dated 18th July, 1966 has been lost or misplaced and direct that a duplicate Customs purposes copy of the licence should be issued to the applicant. The original licence No. P/SS/1551567, dated 18th July 1966, is cancelled.

[No. 2.]

(Issued from File No S-6/AM-66/AU.4&7/Poona.)

Smt. M. D'COSTA,

Dy. Chief Controller of Imports and Exports,
for Jt. Chief Controller of Imports and Exports.

(Office of the Jt. Chief Controller of Imports and Exports)

ORDER

Bombay, the 5th June 1967

S.O. 2695.—M/s. The Central Cotton Mills Ltd. 9, Brabourne Road, Calcutta, was granted an import Licence No. P/AU/1282625 dated 17th February 1967. They have applied for a duplicate copy of the licence on the ground that the original Exchange Copy of the licence has been lost or misplaced. It is further stated that the original Exchange Copy of the licence was not registered with the bank and not utilised.

In support of this contention, the firm have filed an affidavit. I am satisfied that the original licence No. P/AU/1282625 dated 17th February 1967 (Exchange Control Copy) has been lost or misplaced and direct that a duplicate Exchange copy of the said licence should be issued to the Mill. The original licence (Exchange Control Copy) is hereby cancelled

[No. 1661-AU/AM-67/AU-III 1

B. C. BANERJEE,

Dy. Chief Controller of Imports and Exports,
for Jt. Chief Controller of Imports and Exports.

ORDERS

(Office of the Jt. Chief Controller of Imports and Exports)

Bombay, the 8th June 1967

SUBJECT.—Order for cancellations of imports licence No. P/EI/0087792 dated 15th July, 1966

S.O. 2696.—M/s. Jupiter Watch Co., 18/542 Jawahar Road, Amravati was granted an import licence No. P/EI/0087792 on 15th July, 1966, for Rs. 394 for import of "Parts of Watches" under S. No. 308 (d) IV of the I.T.C. Schedule for the licensing period April, 1966, March, 1967, on annual basis. They have applied for a duplicate of the licence on the ground that the original licence has been lost or misplaced. It is further stated that the original licence was not registered with any custom House and not utilised

In support of this contention, the applicant has filed an Affidavit on stamped paper duly attested before the Addl. District Magistrate Amravati. I am satisfied that the original licence No. P/EI/0087792 dated 15th July, 1966 has been lost or misplaced and direct that a duplicate licence should be issued to the applicant. The original licence No. P/EI/0087792 dated 15th July, 1966, is cancelled.

Bombay, the 14th June 1967

SUBJECT:—Order for Cancellation of Import Licence No. P/EI/0096744 dated 12-9-66 Central Automobiles Private Ltd., Laxmi Bhuvan, 466, Sardar V. P. Road, Bombay-4.

S.O. 2697.—M/s. Central Automobiles Private Ltd. of Laxmi Bhuvan, 466, Sardar V. P. Road, Bombay-4, was granted an Import Licence No. P/EI/0096744 dated the 12th September 1966 for Rs. 5,00,000/- for the import of Spare Parts of Motor Vehicle parts as per AM. 67 under Sr. No. 293.95.97.IV, under U. S. Aid Loan 160 for the licensing period April 1966/March 1967. They have applied for a duplicate copy of the licence on the ground that the original licence has been lost or misplaced. It is further stated that the original licence was not registered with any Custom House and not utilised.

2. In support of this contention, the applicant has filed an affidavit on stamped paper duly attested before the Deputy Registrar, Presidency Magistrate's Courts, Esplanade, Bombay. I am satisfied that the original Licence No. P/EI/0096744 dated the 12th September 1966 has been lost or misplaced and direct that a duplicate licence should be issued to the applicant. The original licence No. P/EI/0096744 dated the 12th September 1966 is cancelled.

[Issued from file No. 293-95-97-IV/129/MUP/AM.67/L-3.]

Bombay, the 6th July 1967

SUBJECT:—Order for Cancellation of Import Licence No. P/EI/0085173, dated 6th June 1966 Central Automobiles Private Limited, Laxmi Bhuvan, 466, Sardar V. P. Road, Bombay-4.

S.O. 2698.—M/s Central Automobiles Private Limited of Laxmi Bhuvan, 466, Sardar V. P. Road, Bombay-4, was granted an Import Licence No. P/EI/0085173, dated 6th June 1966 for Rs. 40,314 for the Import of Brake Parts, Master and Wheel Cylinder, Brake Hose and Parts thereof as per AM.67 Red Book Under Serial No. 293.95.97.IV for the licensing period April 1966/March 1967. They have applied for a duplicate copy of the Licence on the ground that the original licence has been lost or misplaced. It is further stated that the original licence was not registered with any Custom House and not utilised.

2. In support of this contention, the applicant has filed an affidavit on stamped paper duly attested before the Deputy Registrar, Presidency Magistrate's Courts, Esplanade, Bombay. I am satisfied that the Original Licence No. P/EI/0085173, dated 6th June 1966 has been lost or misplaced and direct that a duplicate licence should be issued to the applicant. The original licence No. P/EI/0085173, dated 6th June 1966 is cancelled.

[Issued from file No. 293.95.97.IV/190/MV.26/AM 67/L4.]

I. R. KAKAR,

Dy. Chief Controller of Imports,
for Jt. Chief Controller of Imports and Exports.

(Office of the Deputy Chief Controller of Imports and Exports)

ORDERS

Panjim, the 14th July 1967

S.O. 2699.—M/s. Maganlal Dwarkadas Ltd., Panjim, were granted an Import Licence No. P/EI/0001397/C/XX/19/C/G/18, dated 22nd June 1964. They have applied for a duplicate Customs Purposes Copy of the licence on the ground that the original copy of the Customs Purposes Copy of the licence has been lost. It is further stated that the original licence was not registered with any Customs Authority and not utilised at all. In support of this contention, the applicant has filed an affidavit.

I, K. Jayaraman, Deputy Chief Controller of Imports and Exports, Panjim-Goa, in the Ministry of Commerce, in exercise of the powers conferred by clause 9 of Import (Control) Order, 1955, hereby cancel the original Customs Purposes Copy of Licence No. P/EI/0001397/C/XX/19/C/G/18, dated 22nd June, 1964.

The matter of issue of duplicate Customs Purposes Copy of the licence is under consideration.

[No. EI/308(d)IV/83/OM.64.]

S.O. 2700.—M/s Topa Topan Ltd, Panjim, were granted an Import Licence No P/EI/0001071/C/XX/19/C/G/18, dated 10th June, 1964. They have applied for a duplicate Customs Purposes Copy of the licence on the ground that the original copy of the Customs Purposes Copy of the licence has been lost. It is further stated that the original licence was not registered with any Customs Authority and not utilised at all. In support of this contention, the applicant has filed an affidavit.

I, K Jayaraman Deputy Chief Controller of Imports and Exports, Panjim-Goa, in the Ministry of Commerce, in exercise of the powers conferred by clause 9 of Import (Control) Order, 1955 hereby cancel the original Customs Purposes Copy of licence No P/EI/0001071/C/XX/19/C/G/18, dated 10th June, 1964.

The matter of issue of a duplicate Customs Purposes Copy of the licence is under consideration.

[No EI/308(d)IV/157/OM'64]

K JAYARAMAN,

Dy Chief Controller of Imports and Exports

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi the 21st July 1967

S O 2701.—Whereas Messrs Punjab Chemical Industries, 7, Mohalla Killa Bhangian, Amritsar or any bank or any other person have not come forward furnishing sufficient cause against Notice No P-1/67/ENF/CLA/944 dated 9th May 1967, proposing to cancel licence No P/SS/1574464/C/XX/21/CD/21/22, dated 15th September 1966 for the imports of Carnauba Wax for Rs 5,905 granted to said M/s Punjab Chemical Industries 7 Mohalla Killa Bhangian, Amritsar by the Joint Chief Controller of Imports and Exports (Central Licensing Area), New Delhi, Government of India, in the Ministry of Commerce in exercise of the powers conferred by the Clause 9 of the Import (Control) Order, 1955 hereby cancel the said licence No P/SS/1574464/C/XX/21/CD/21-22, dated 15th September 1966, issued to M/s Punjab Chemical Industries, 7, Mohalla Killa Bhangian, Amritsar.

M/s Punjab Chemical Industries,
7, Mohalla Killa Bhangian,
Amritsar

[No P-1/67/ENF/CLA/2239]

RAJ PAL,

Jt Chief Controller of Imports and Exports

(Office of the Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 29th July 1967

S.O. 2702.—M/s J Stone & Co India P Ltd, 16, Taratalla Road, Alipore, Calcutta were granted an Import licence No G/RC/208522B/R/IA/22/CH/21 22 dt 21st November 1965 for the import of Tonum train lighting valued at Rs 12,000/- (post devaluation Rs 18,900/-) falling under 32(F)19(2)(i)/II of ITC Schedule

As the Controller of Stores, Central Railway has cancelled their Railway Order No 5MP/106 NS/64/VT/37/DD dt 1st September 1964 both the copies of the above referred import licence are hereby cancelled.

[No 74 J/Rly/65 66/L-VI/471]

New Delhi, the 3rd August 1967

S.O. 2703.—M/s Parry & Co, Ltd, United India Building, Sir P M Road, Bombay were granted a Import Licence No G/RC/2086003/R/IB/24/CH/22 on 7th January, 1967 for Rs 400 for the import of 'Calibrator Pump Units Part No 91199, falling under S No 31(b)/II of ITC Schedule

As Controller of Stores, Northern Railway, New Delhi have cancelled their Railway Order No. 24JU/77-s/15/4193/1-64/P15, dated 5th May, 1966 both the copies of the above referred import licence are hereby cancelled.

[No. 3-P/Rly/66-67/LVI/390.]

New Delhi, the 4th August 1967

S.O. 2704.—M/s. The Scientific Instrument Co. Ltd, New Delhi were granted an Import Licence No. G/DG/2105105/R/IA/23/CH/21, dated 22nd April 1966 for Rs. 18355/- for the import of A.O. Overhead Projectors etc. falling under 92(N)/V, of the I.T.C. Schedule. As D.G.S.&D. cancelled their A/T No. 202/42/118/13-8-65/IV/8624 dated 13th January 1966 both the copies of the above Import licence which have not been utilized are hereby cancelled.

[No. 30-S/Cont./66-67/LVI/393.]

S. A. SESHAN,

Dy. Chief Controller of Imports & Exports.

MINISTRY OF STEEL, MINES AND METAL

ERRATUM

In the Gazette of India, Part II, section 3, sub-section (ii), of the late Ministry of Mines and Metals, notification No. C2-20(6)/63, dated the 21st December, 1966, issued on 31st December, 1966, on page 3636, for S.O. "998" read "3998".

MINISTRY OF HEALTH AND FAMILY PLANNING

New Delhi, the 20th July 1967

S.O. 2705.—In pursuance of rule 5A of the Public Premises (Eviction of Unauthorised Occupants) Rules 1958, the Central Government hereby authorises the gazetted officer mentioned in column, 1 below to hear the finally dispose of cases arising out of that rule and pertaining to public premises specified in column 2 below:—

Name of the Officer	Limits
1. Director of Administration, Directorate General of Health Services, New Delhi.	Premises under the administrative control of the Union Ministry of Health and Family Planning within the limits of New Delhi Municipal Committee and Delhi Municipal Corporation.

[No. F. 2-35/67-H.]

PREMA JOHRI, Dy. Secy.

(Department of Health)

New Delhi, the 3rd August 1967

S.O. 2706.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that with effect from the 1st April, 1965, the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the National Institute of Health Administration and Education, New Delhi.

[No. F. 26-13/67-PH.]

S.O. 2707.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds, with effect from the 1st April, 1965, the name of the National Institute of Health Administration and Education, New Delhi to the Schedule to the said Act.

[No. F. 26-13/67-PH.]

M. C. JAIN, Under Secy.

MINISTRY OF TRANSPORT & SHIPPING

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 31st July 1967

S.O. 2708.—In exercise of the powers conferred by sub-section (1) of section 218 of the Merchant Shipping Act, 1958 (44 of 1958), read with rules 3 and 4 of the National Welfare Board for Seafarers Rules, 1963, the Central Government hereby makes the following amendment in the notification of the Government of India in the Late Ministry of Transport and Aviation, Department of Transport, Shipping and Tourism (Transport Wing) No. S.O. 1883, dated the 16th June, 1966, namely:—

In the said notification under the heading "Members", for the existing entries against Serial Numbers 3, 4 and 5, the following entries shall respectively be substituted, namely:—

"Shri C. K. Chakrapani—Member of Parliament, Lok Sabha.

Shri K. D. Tripathi—Member of Parliament, Lok Sabha.

Shri R. T. Parthasarthy—Member of Parliament, Rajya Sabha.

[No. 14-MT(14)/65.]

B. B. LAL, Under Secy.

MINISTRY OF TOURISM & CIVIL AVIATION

New Delhi, the 31st July 1967

S.O. 2709.—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953) and in supersession of all previous notifications and orders, the Central Government hereby directs that with effect from the 1st August, 1967, Indian Airlines Corporation shall consist of the following members, namely:—

1 Shri J. R. D. Tata, Chairman, Air-India.

2 Air Chief Marshal Arjan Singh, Chief of Air Staff.

3 Air Marshal M. S. Chaturvedi, General Manager, Air-India.

4 Shri H. N. Ray, Additional Secretary, Ministry of Finance (Deptt. of Expenditure).

5 Shri K. T. Satarawala, General Manager, Indian Airlines.

6 Shri J. N. Goyal, Joint Secretary, Ministry of Tourism & Civil Aviation.

7 Shri S. Mohan Kumaramangalam.

8 Shri K. N. Mookerjee.

[No. 3-CA(13)/66.]

T ARUMUGHAM, Dy. Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

New Delhi, the 21st July 1967

S.O. 2710.—Whereas the Lok Sabha, in pursuance of clause (1) of sub-section (1) of section (5) of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) has elected the following Members of Parliament as its representatives on the

Animal Welfare Board with effect from the 5th July, 1967 for a period of three years —

- 1 Shri Bhogendra Jha
- 2 Shri Deorao S Patil
- 3 Shri Ram Charan
- 4 Shri Mudrika Sinha,

the above mentioned members having been elected *vice* Shrimati Jayaben Shah, Shrimati Ramdulari Sinha Shri Jagdev Singh Sidhanti and Chowdhary Ram Sewak who ceased to be members after the dissolution of Thud Lock Sabha,

Now, therefore, in pursuance of sub-section (1) of section 4 read with section 5 of the said Act, the Central Government hereby makes, with effect from the 5th July, 1967, the following further amendments to the notification of the Government of India in the Ministry of Food Agriculture, Community Development & Cooperation (Department of Agriculture) No S 912, dated the 20th March, 1962, namely

In items 18 19 20 and 21 for the entries in the first column the following entries shall be substituted, namely —

- 1 Shri Bhogendra Jha, Member of Parliament
- 2 Shri Deorao S Patil Member of Parliament
- 3 Shri Ram Charan, Member of Parliament
- 4 Shri Mudrika Sinha, Member of Parliament

[No 18-6/67-LD III]

SANTOKH SINGH, Under Secy

(Department of Co-operation)

New Delhi the 29th July 1967

SO 2711 — In exercise of the powers conferred by Section 5B of the Multi-Unit Cooperative Societies Act 1942 (6 of 1942), and in supersession of the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Cooperation) Notification No 713/66-Credit dated the 23rd July 1966 the Central Government hereby directs that all powers or authority exercisable by the Central Registrar of Cooperative Societies under the said Act shall also be exercisable by Shri S B Gosavi Divisional Joint Registrar of Cooperative Societies, Bombay Division Bombay in respect of the Multi-unit cooperative societies registered in the State of Maharashtra

[No 7-13/66-Credit]

V V NATHEN, Dy Secy

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Department of Works and Housing)

New Delhi the 31st July 1967

SO 2712 — In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1958 (32 of 1958) the Central Government hereby appoints the officers mentioned in column 1 of the table below being gazetted officers of the Government to be Estate Officers for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the said Act within the local limits of their

respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table:

THE TABLE

Designation of the officers	Categories of public premises and local limits of jurisdiction
1	2
1. Manager, Govt. of India Press, Aligarh	Premises under the administrative control of the Printing & Stationery Department at Aligarh and Coimbatore respectively.
2. Manager, Govt. of India Press, Coimbatore	

[No. F. 21011(4)/66-Pol.]

V. P. AGNIHOTRI, Dy. Secy.

(Department of Works and Housing)

New Delhi, the 1st August 1967

S.O 2713.—Whereas the Central Government had proposed to make modifications in the Master Plan for Delhi as regards the areas mentioned in the Schedule hereto annexed, the proposed modifications having been published as notice (No. S.O 2613, dated the 25th August, 1966) as required by sub-section (3) of section 11A of the Delhi Development Act, 1957 (61 of 1957) inviting objections and suggestions:

And whereas the Central Government, after considering the objections and suggestions only with regard to the areas mentioned in Items (1), (2), (5), (6) and (7) of the aforesaid Schedule made certain modifications in the Master Plan for Delhi in the aforesaid areas by the Notification of the Government of India in the late Ministry of Works, Housing and Urban Development No. 21017(37)/66-UD, dated the 16th February, 1967;

And whereas the Central Government, at the time of issue of the aforesaid Notification, dated the 18th February, 1967, had not considered the objections and suggestions with regard to the areas mentioned in Items (3) and (4) of the aforesaid schedule and had, until such consideration, deferred its decision with respect to those areas;

And whereas the Central Government has now considered the objections and suggestions with regard to the areas mentioned in the aforesaid Items (3) and (4), that is to say, G.T. Road, Shahdara and Uttam Nagar Colony (Najafgarh);

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 11A of the said Act and in continuation of the aforesaid notification dated the 18th February, 1967, the Central Government hereby makes the following modifications in the Master Plan for Delhi in the areas mentioned in the aforesaid Items (3) and (4), that is to say, G.T. Road, Shahdara and Uttam Nagar Colony (Najafgarh), namely:—

(1) *G.T. Road, Shahdara.*

Land use of a 1.5 acre land on G.T. Road to Ghaziabad to its south, to be changed from "recreational" to "educational"; and

(2) *Uttam Nagar Colony (Najafgarh)*

Land use of 23.4 acres of land of Uttam Nagar Colony, the lay out plan of which has been regularised by the Municipal Corporation of Delhi, to be changed from "agricultural green belt" to "residential" (subject to preservation of the 61 meters right-of-way of Najafgarh Road).

THE SCHEDULE

- (1) New Multan Nagar Colony (Rohtak Road).
- (2) Premises No. 2, Maulana Azad Road, New Delhi.
- (3) G.T. Road, Shahdara.
- (4) Uttam Nagar Colony (Najafgarh).
- (5) Hari Nagar Ashram (Mathura Road).

(6) Loni Road (Shahdara)
(7) Ashok Road, New Delhi.

[No. 21017(37)/66-UD.]
SHITAL PRASAD, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 28th July 1967

S.O. 2714.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri Nirmal Goswami as a member of the Advisory Panel of the said Board at Calcutta with immediate effect.

[No. 11/3/66-FC.]

New Delhi, the 3rd August 1967

S.O. 2715.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 6 of the Cinematograph Act, 1952 (37 of 1952), the Central Government, hereby directs that the film entitled "The Naked Prey" (English) in respect of which 'A' Certificate No. 1803, dated the 24th August, 1966, was granted to M/s. Paramount Films of India Ltd., Hague Building, Sprott Road, Ballard Estate, Bombay-1, by the Central Board of Film Censors, shall be deemed to be an uncertified film in the whole of India.

[No. F. 9/9/67-FC.]

ORDERS

New Delhi, the 29th July 1967

S.O. 2716.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed here to in all their language versions to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953)
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or documentary film
1	2	3	4	5	6
1	Maharashtra News No. 179 (Marathi and Hindi)	296 M	Director of Publicity, Government of Maharashtra, Bombay-34.	Film dealing with news and current events (For Maharashtra Circuit only)	Do.
2	Maharashtra News No. 180 (Marathi and Hindi)	295 M	Do.	Do.	Do.
3	Maharashtra News No. 181 (Marathi and Hindi)	190 M	Do.	Do.	Do.
4	Maharashtracha Abhimanyu Peck Nase Oosa Saman (Marathi)	459 M	Do.	Film intended for educational purposes (For release in Maharashtra Circuit only).	Do.

1	2	3	4	5	6
5	Khedyancha Kayakalpa (Marathi)	298 M	Director of Publicity, Government of Maharashtra Bombay-34.	Film intended for educational purposes (For release in Maharashtra Circuit only).	Do.
6	Shetkari Dehi Saath Vikati Sarkarla Bhat (Marathi)	298 M	Do.	Do.	Do.
7	Bhat (Marathi)	300 85 M	Director of Agriculture, Government of Maharashtra, Poona.	Do.	Do.
8	Shetkaryanche Shettruo (Marathi)	299 62 M	Do.	Do.	Do.
9	Kapsachi Kahani (Marathi)	292-91M	Do.	Do.	Do.

[No. F. 24/1/67-FP App. 1177].

S.O. 2717.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1	Mahitichitra No. 80 (Gujarati)	259-07 M	Director of Information, Government of Gujarat, Ahmedabad.	Film dealing with News and current events (For release in Gujarat Circuit only).	Do.
2	Mahitichitra No. 81 (Gujarati)	233-16 M	Do.	Do.	Do.
3	Mahitichitra No. 82 (Gujarati)	256-02 M	Do.	Do.	Do.
4	Bhavagnani Vikasyatra (Gujarati)	602 26 M	Do.	Documentary film (For release in Gujarat Circuit only).	Do.
5	Navo Dayaro Navi Vat (Gujarati)	606 32M	Director of Information, Government of Gujarat, Ahmedabad.	Documentary film (For release in Gujarat Circuit only).	Do.
6	Pashudhan Nujatan Ne Vikas (Gujarati)	305 M	Do.	Do.	Do.
7	Asmani Afat No Pratikar (Gujarati)	385-56M	Do.	Do.	Do.

[No. F. 24/1/67-FP App. 1178].

D. R. KHANNA, Dy. Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION**(Department of Labour and Employment)***New Delhi, the 29th July 1967*

S.O. 2718.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Bhatdee Colliery of Messrs Bengal Bhatdee Coal Company Limited, Post Office Mohuda (District Dhanbad) and their workmen, which was received by the Central Government on the 25th July, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR**

CAMP AT ALLAHABAD*Dated July 14, 1967***PRESENT:**Sri G. C. Agarwala—*Presiding Officer.*

REFERENCE No. 137 OF 1964 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R)(69)/67 (JABALPUR TRIBUNAL)

* In the matter of an industrial dispute between Bhatdee Colliery of Messrs Bengal Bhatdee Coal Company Limited (P.O.) Mohuda, District Dhanbad (Bihar).

APPEARANCES:*For the employers—None.**For the workmen—None.***INDUSTRY:** Coal Mine**DISTRICT:** Dhanbad (Bihar).**AWARD**

By Notification No. 2/136/64-LR-II dated 17th December 1964 the Ministry of Labour & Employment referred the following dispute as stated in the schedule to the order of reference, to the Central Government Industrial Tribunal Dhanbad, for adjudication:

SCHEDULE

Whether the action of the management of the Bhatdee Colliery of Messrs Bengal Bhatdee Coal Company Limited in suspending Shri Biswanath Singh, Guard, and Shri B. Nasir Shaw, Body Searcher for ten days from the 6th August, 1964 to the 15th August, 1964 amounts to an act of victimisation? If so, to what relief are the workmen entitled.

The case remained pending before the said Tribunal from 26th December 1964 till it was transferred to this Tribunal by Notification No. 8/25/67-LR-II dated 25th April, 1967.

After issue of usual notices to the parties by this Tribunal, it was intimated by a communication dated 2nd June, 1967 that the dispute had been compromised and settled. Copy of the petition signed by both parties is annexured as annexure to this award. The dispute related to suspension of two workmen for 10 days which was alleged as victimisation. By paragraph 4 of the petition the dispute had been resolved and settled by reducing the period of suspension to one day. This is a reasonable compromise of the dispute and is accepted. An award is recorded in terms of paragraphs 4 and 5 of the petition as stated in the annexure.

(Sd.) G. C. AGARWALA,
Presiding Officer.

ANNEXURE

**BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (CENTRAL)
JABALPUR**

REFERENCE No. 137 OF 1964

PARTIES:

The Employers in relation to Bhatdee Colliery (Belonging to M/s. Bengal Bhatdee Coal Co. Ltd.,)

AND

Their workmen represented by the Colliery Mazdoor Sangh Dhanbad.

The Parties to the above dispute most respectfully submit as follows:—

(1) The dispute relates to 10 days' suspension awarded to Shri Biswanath Singh, Guard and Shri B. Nasir Shaw, Body Searcher from the 6th August, 1964 to and including the 15th August, 1964.

(2) The dispute was originally referred for adjudication by the Central Government Industrial Tribunal, Dhanbad, and was registered as Reference No. 137 of 1964.

(3) The parties are given to understand that the said Reference has now been transferred to the Hon'ble Industrial Tribunal-Cum-Labour Court (Central) Jabalpur for adjudication.

(4) In the meantime, the parties held mutual negotiations as a result of which, it has been agreed that the dispute be resolved amicably by reducing the period of suspension for both the workmen to one day i.e. the 6th August, 1964, and they will be paid wages for the working days occurring in the remaining period—7th August, 1964 to 15th August, 1964.

(5) The payment of wages referred to for the period, from 7th August, 1964 to 15th August, 1964 will be made to the workmen on or before the 15th June, 1967.

In view of the foregoing, Parties most respectfully pray that the Hon'ble Tribunal may be pleased to pass an Award accordingly, for which the parties, in duty bound, shall ever pray.

Dated, Jharia, the 2nd June, 1967.

For Employers:

For Bengal Bhatdee Coal Co. Ltd.,

Sd/- Illegible,
Director.

For Workmen

Colliery Mazdoor Sangh,

Sd/- Illegible.
Secretary.

Part of Award

G. C. AGARWALA,

Presiding Officer.
14-7-67.

[No. 2/136/64-LRII.]

S.O. 2719.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Kenduadih Colliery of Messrs East Indian Coal Company Limited, and Messrs G. S. Atwal & Company (Asansol), their Raising and Selling Agents on the one part and their workmen on the other part, which was received by the Central Government on the 25th July, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR

CAMP AT DHANBAD

Dated July 17, 1967

PRESENT:

Sri G. C. Agarwala—*Presiding Officer.*

REFERENCE NO. 51 OF 1964 (DHANBAD TRIBUNAL)

REFERENCE NO. CGIT/LC(R)(26)/67 (JABALPUR TRIBUNAL)

In the matter of an industrial dispute between the employers and the workmen of the concern known as Kenduadih Colliery of Messrs East Indian Coal Company Limited and Messrs G.S. Atwal and Company (Asansol), their Raising and Selling Agents.

APPEARANCES:

For the employers.—Sri J. N. P. Sahi, Asst. Chief Labour Officer, East Indian Coal Co. Ltd., Sri Mahabir Singh, Legal Adviser of G. S. Atwal & Co.

For the workmen.—Sri Lalit Burman, Secretary, Bihar Koyala Mazdoor Sangh.

INDUSTRY: Coal Mine

DISTRICT: Dhanbad (Bihar).

AWARD

The Ministry of Labour & Employment referred the following matter of dispute, as stated in the Schedule to the order of reference by Notification No. 2/36/64-LRII dated 5th May 1964, to Central Government Industrial Tribunal Dhanbad, for adjudication:

SCHEDULE

Whether the action of the management of Kenduadih Colliery of Messrs East Indian Coal Company Limited and Messrs G. S. Atwal and Company (Asansol), their Raising and Selling Agents in refusing employment to Sri K. K. Gon, Electric Helper/Haulage Khalasi of Kenduadih Colliery with effect from the 5th February, 1964, was justified? If not, to what relief is the workman entitled?

The case remained pending before the Dhanbad Tribunal from 11th May, 1964 till it was transferred to this Tribunal by Notification No. 8/25/67-LRII dated 25th April, 1967.

M/s. G. S. Atwal & Company the Raising Contractor and the Union filed their written statements before the Dhanbad Tribunal in June, 1964. The East Indian Coal Company filed written statement before this Tribunal in June, 1967. As the issue under reference will show the dispute is essentially between M/s. G. S. Atwal & Company, Raising Contractor and one of their workmen Sri K. K. Gon. Both these parties, therefore, entered into a settlement and filed a compromise petition which had been verified before the Asst. Labour Commissioner on 22nd September, 1966. A copy of the same has been presented and verified before me. M/s. G. S. Atwal & Company have agreed to pay a lump sum amount of Rs. 700/- to the workman concerned in full and final settlement of his demand for reinstatement etc. and to which the Union has agreed. This is a fair settlement of the dispute and is accepted. An award is recorded in terms of compromise petition.

(Sd.) G. C. AGARWALA,
Presiding Officer.

ANNEXURE

Memorandum of settlement between the management of Kenduadih Colliery of M/s. East Indian Coal Co. Ltd. of which M/s. G. S. Atwal & Co. (Asansol) are the Raising & Selling Agents and Bihar Koyala Mazdoor Sabha (AITUC) on 22nd September, 1966.

Representing the Management

SRI J. K. CHAKRABARTY,
(Representative of M/s. G. S. Atwal
& Co. (Asansol), P.O. Kusunda, Distt Dhanbad.)

Representing the Workmen

SHRI A. SHARMA, Secretary,
Bihar Koyala Mazdoor Sabha
P.O. & Distt. Dhanbad:

Short Recital of the Case

The industrial dispute between the management of Kenduadih Colliery of M/s East Indian Coal Co. Ltd., and M/s. G. S. Atwal & Co. (Asansol) their Raising and Selling Agents and their workmen represented by the Bihar Koyala Mazdoor Sabha (AITUC) was referred by the Central Government for adjudication to the Industrial Tribunal, Dhanbad vide Central Government's order bearing No. 2/56/64-LR-II dated 5th May, 1964. The representatives of the above mentioned management and the union approached the Assistant Labour Commissioner (C), Dhanbad-1 to use his good offices for bringing about an amicable settlement. The matters in dispute were discussed between the parties before the Assistant Labour Commissioner (C), Dhanbad-1 on 22nd September, 1966 and the dispute was amicably settled between them on the following terms:—

Terms of Settlement

- (1) It is agreed between the parties that M/s. G. S. Atwal & Co. (Asansol) (hereinafter referred to as the management) Raising and Selling Agents in Kenduadih Colliery of M/s East Indian Coal Co. Ltd. agrees to pay a lump sum amount of Rs. 700/- (Rupees seven hundred only) to Shri K. K. Gon, Electric Helper/Haulage Khalasi of Kenduadih Colliery latest by 24th September 1966 in full and final settlement of his demand for reinstatement in service and his claim for leave wages, bonus for quarters ended on 30th June 1963, 30th September 1963 and 31st December, 1963 and train-fare etc.

(2) The Bihar Koyala Mazdoor Sabha (hereinafter referred to as the union) agrees that Shri K. K. Gon, Electric Helper/Haulage Khalasi of Kenduadih Colliery will not be entitled to reinstatement in service with back wages with retrospective effect from 5th February 1964 and that the sum of Rs. 700/- (Rupees seven hundred only) payable to him by the management as per term no. 1 of this settlement shall include a.l his legal dues

(3) It is agreed between the parties that they will jointly apply to the Central Government Industrial Tribunal, Dhanbad with a prayer to accept the terms of this settlement and to give award in terms of this settlement, latest by 5th October 1966.

Sd/- J. K. CHAKRABARTY,

22-9-66

Representing the Management

Sd/- ANANTA SHARMA,

22-9-66.

Representing the Workmen.

Before

Sd/- K. SHARAN,

22-9-66

Assistant Labour Commissioner(C),

Dhanbad-1.

Witnesses:—

1. K. K. GON, 22-9-66.

2. Sd/- Illegible 22-9-66.

Dated, Dhanbad, the 22nd day of September, 1966.

Sd/- LALIT BURMAN,
Secretary,

Bihar Koyala Mazdoor Sabha.

Verified

Sd/- G. C. AGARWALA,
P.O. 17-7 67

Part of Award

Sd/- G. C. AGARWALA,
Presiding Officer.
[No. 2/36/64-LRII.]

S.O. 2720.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Gazlitand Colliery of Messrs New Manbhum Coal Company Limited, Post Office Sijua, District Dhanbad, and their workmen, which was received by the Central Government on the 25th July, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR.
CAMP AT ALLAHABAD

Dated July 14, 1967.

PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

REFERENCE No. 43 OF 1965 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R) (75) /67 (JABALPUR TRIBUNAL)

In the mater of an industrial dispute between the workmen and the employers of the concern known as M/s. Gazlitand Colliery of Messrs New Manbhum Coal Company Ltd., P.O. Sijua, District Dhanbad (Bihar).

APPEARANCES:

For the employers.—Sri B.B. Singh, Personnel Officer.

For the workmen.—Sri Uma Kant Singh, Branch Secretary, Colliery Mazdoor Sangh.

INDUSTRY: Coal Mine

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/22/65-LRII, dated 29th March, 1965, the Ministry of Labour and Employment referred the following matter of dispute as stated in the schedule to the order of reference to Central Government Industrial Tribunal, Dhanbad, for adjudication:

SCHEDULE

Whether the management of the Gazlitand Colliery of Messrs New Manbhoom Coal Company Limited were justified in suspending Shri Dipu Rajbhar, Miner, with effect from the 11th December, 1964, and subsequently dismissing him from service, by their letter dated the 24th December, 1964, with effect from the 11th December, 1964? If not, to what relief is the workman entitled?

The case remained pending before the said Tribunal from 5th April, 1965, till it was transferred to this Tribunal by Notification No. 8/25/67/LR-II dated 25th April, 1967.

After usual notices parties took time to compromise and have ultimately filed a compromise petition duly verified before me, the terms of which are reproduced in the annexure. The management has agreed to reinstate the workman concerned Sri Dipu Rajbhar, and allow him continuity of service. The compromise is a just and fair settlement of the dispute which is accepted and an award is recorded in terms thereof.

Sd./- G. C. AGARWALA,
Presiding Officer.
14-7-1967.

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, (CENTRAL),

AT

ALLAHABAD.

In the matter of

REFERENCE No. C.G.I.T./L.C.(R) (75) of 1967.

REFERENCE No. 43 of 1965.

PARTIES:

Employers in relation to Gaslitand Colliery of Messrs New Manbhoom Coal Co., Ltd.

AND

Their Workmen represented by the Colliery Mazdoor Sangh, Dhanbad.

The parties above named most respectfully beg to submit as under.—

1. That the Government of India in the Ministry of Labour and Employment vide their Notification No. referred the undermentioned matter for Adjudication to the Industrial Tribunal, Dhanbad.

"Whether the action of the management of the Gaslitand Colliery of Messrs New Manbhoom Coal Co., Ltd., and their Managing Agents, Messrs Octavius Steel & Co., Ltd., in dismissing Sri Dipoo Rajbhar, Miner, with effect from 11th December, 1964, was justified? If not to what relief is the workman entitled?"

2. That the parties above named have in the meantime discussed the dispute in reference and have agreed to mutually settle the issue on the following terms:—

- (i) It is agreed that Sri Dipoo Rajbhar, Miner, of Gaslitand Colliery the workman concerned will be reinstated in his original post with effect from 31st July, 1967.
- (ii) It is agreed that the intervening period from the date of dismissal till the date of his reinstatement will be treated as Leave without pay and the continuity of service will be maintained.
- (iii) The parties will bear their respective costs

3. Under the circumstances the parties herein concerned most respectfully beg to pray that this Hon'ble Tribunal may graciously be pleased to accept the settlement stated herein above and pass an Award in terms thereof.

And for this the parties as in duty bound shall ever pray.

Verified.

Sd./- G. C. AGARWALA,

Presiding Officer.

14-7-1967.

For Employers.

M/s. The New Manbhoom Coal Co. Ltd.,
Gaslitand Colliery.

Sd./- P. N. SUR,
Agent.

The New Manbhoom Coal Co., Ltd., Gaslitand Colliery, P.O. Sijua, Dhanbad.

Sd./- B. B. SINGH,
14-7-1967.

Personnel Officer for employers.

Sd./- U. K. SINGH,
Secretary.
14-7-1967.

Workman concerned is at present absent from the colliery.

Part of Award.

For Workmen.
for Colliery Mazdoor Sangh.
(Sd.) SHANKAR BOSE, Secy.
12-7-1967

(Sd.) G. C. AGARWALA,
Presiding Officer.
14-7-1967.

Dated 12th July, 1967.

[No. 2/22/65-LR. II.]

S.O 2721.—In pursuance of section 17 of the Industrial Disputes Act, 1947. (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Selected Kajora Jambad Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 26th July, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA.

REFERENCE No. 21 OF 1967

PARTIES:

Employers in relation to the Selected Kajora Jambad Colliery,
AND
Their workmen,

PRESENT:

Shri S. K. Sen.—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri B. Mishra, Executive Officer.

On behalf of Workmen.—Shri B. M. Tewari, Org. Secretary, Colliery Mazdoor Congress (H.M.S.) Shri Rajdeo Singh, Asansol Coal Field Workers' Union.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/120/66-LRII dated 24th February, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Selected Kajora Jambad Colliery, P.O. Ukhra, Dist., Burdwan and their workmen arising out of non-employment of Shri Badri Prasad, Peon, in the Selected Kajora Jambad Colliery with effect from 9th November, 1966.

2. Shri Badri Prasad was employed as a guard at Selected Kajora Jambad Colliery. There was a theft of a length of electric cable from the cap lamp house near pit No. 5 at the colliery on 11th October, 1966. According to the case of the union the theft had not taken place during the period of guard duty by Badri Prasad but still the management deducted from his salary and being unable to get his full salary amicably, he raised a dispute through his union before the Labour Enforcement Officer, Central, Ukhra on 31st October, 1966. At that stage the workman was being represented by Asansol Coal Field Workers' Union. The management became annoyed with the workman for raising the dispute and stopped him from work with effect from 9th November, 1966, and the union had to take the matter to the Assistant Labour Commissioner, (C), Raniganj. According to the management, Badri Prasad was reasonably suspected in connection with the theft of a length of electric cable from the colliery cap lamp house near No. 5 Pit and the management intended to transfer him to another colliery. But on learning this the workman absented himself voluntarily on and from 9th November, 1966, and it was not the management who stopped him from work. Before the tribunal, on behalf of the workman, the Asansol Coal Field Workers' Union filed a written statement. Thereafter however the workman became a member of the Colliery Mazdoor Congress, H.M.S. and the Organising Secretary of the Colliery Mazdoor Congress after negotiation with the management on behalf of the workman made a settlement. On the date of hearing, 24th July, 1967, the management and the workman represented by the Organising Secretary of the Colliery Mazdoor Congress have filed a joint memorandum of settlement. Shri Rajdeo Singh, General Secretary of the Asansol Coal Field Workers' Union was also present and at his suggestion the workman was given oath and questioned in order to ascertain whether he had understood the terms of compromise and the compromise had been made after consulting him. I was satisfied that the compromise was made in consultation with him. Under the terms of settlement, Badri Prasad will be allowed to join his post at Selected Kajora Jambad Colliery provided he does so by the end of July, 1967, but will have no claim for wages for the period of non-employment from 9th November, 1966. According to the workman, for that period the management has agreed to make some ex-gratia payment, and this has been confirmed by the representative of the management Shri B. Mishra and the Organising Secretary of the Colliery Mazdoor Congress, Shri B. M. Tewari, although they stated that the amount has not been fixed. Even though the exact amount of ex-gratia payment has not yet been fixed I consider the terms of compromise including re-employment of the workman in his old post at the colliery is on the whole favourable to the workman and the terms are, therefore, accepted.

Dated, 24th July, 1967.

Sd./- S. K. SEN,
Presiding Officer,

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, CALCUTTA.

REF. No. 21 OF 1967.

Employers in relation to Selected Kajora Jambad Colliery.

AND

Their Workmen.

S.O. 2722.—The above reference arising out of the dispute of non-employment of Shri Badri Prasad, Peon has been amicably settled between the parties without

prejudice to the respective contentions of the parties contained in their written statement as follows.

- (I) That Shri Badri Prosad, Peon the workman concerned in the reference will be re-employed as a guard a fresh entrant from the date he joins the post.
- (II) That Shri Badri Prosad will join the above post latest by 31st July, 1967, after which he will have no claim for re-employment.
- (III) That Shri Badri Prosad will have no claim for wages or any other compensation from the period from 9th November, 1966, till the date he joins his service.
- (IV) That the above terms finally resolves all disputes pending between the employers and Shri Badri Prosad the workman concerned in the present reference.

It is therefore humbly prayed that the above compromise may kindly be recorded and award passed in terms thereof.

Thumb impression
BADRI PROSAD,
Concerned Workman.
24-7-1967.

For Selected Kajora Jambad Colliery.
Sd./- B. MISHRA,
Executive Officer.

Sd./- B. M. TEWARI,
Organising Secretary,
Colliery Mazdoor Congress,
(Affiliated to H.M.S.).
[No. 6/120/66-LR. II.]

New Delhi, the 31st July 1967

S.O. 2723.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Ganeshpur Colliery of Ganeshpur Coal Company Limited, Post Office Nawagarh, District Dhanbad, and their workmen, which was received by the Central Government on the 25th July, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.

CAMP AT ALLAHABAD.

Dated July 15, 1967.

PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

REFERENCE No. 78 of 1964 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R) (37)/67 (JABALPUR TRIBUNAL).

In the matter of an industrial dispute between the employers and the workmen of the concern known as Ganeshpur Colliery of Ganeshpur Coal Company Limited, Post Office, Nawagarh, District Dhanbad.

APPEARANCES:

For the employers.—None.

For the workmen.—None.

INDUSTRY: Coal Mine;

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/56/64-LRII dated 1st July, 1964, the Ministry of Labour and Employment referred the following matter of dispute as stated in the Schedule to the order of reference, to the Central Government Industrial Tribunal Dhanbad, for adjudication:—

SCHEDULE

1. Whether the action of the management of Ganeshpur Colliery of Ganeshpur Coal Company Limited in effect complete closure of the colliery with effect

from the 28th December 1963 thereby denying employment to all their workmen was justified?

2. If not, to what relief are the workmen entitled?

The case remained pending before the Dhanbad Tribunal from 6th July, 1964, till it was transferred to this Tribunal by Notification No. 8/25/67-LR-II dated 25th April, 1967.

After issue of usual notices, it was intimated by parties that a compromise had been arrived at long ago. A compromise petition signed by both parties, terms of which are reproduced in the annexure, was however received by this Tribunal with a forwarding letter dated 2nd June, 1967. It appears that the compromise was presented and certified by the Conciliation Officer but was not presented before the Dhanbad Tribunal with the result that the case remained pending with the said Tribunal. On further issue of notices for verification, the Union intimated the acceptance. The dispute related to closure of the colliery with effect from 28th December, 1963, and consequent denial of employment to workmen. The terms of settlement, however, show that when the compromise was entered into on 1st August, 1964, the management had agreed to restart working from 17th August, 1964, as stated in clause I of the terms of settlement. Subsequent clauses related to the method of employment at various working. The compromise is a fair settlement of the dispute and is accepted. The reference is decided in terms of the compromise arrived at between the parties.

(Sd.) G. C. AGARWALA,
Presiding Officer,

Mutual Settlement between the workmen and the management of Ganeshpur Colliery in respect of the dispute regarding the closure of the Ganeshpur Colliery with effect from December, 1963.

PRESENT:

Shri S. C. Jain, Director, M/s.	}	<i>For the management.</i>
Ganeshpur Coal Co., (P) Ltd.,		
and		
M/s. Bharat Mining Corporation	}	
Ltd., P.O. Kharkharee (Dhanbad).		

Shri Shankar Bose, Secretary,	}	<i>For the workmen.</i>
Colliery Mazdoor Sangh,		
Dhanbad.		
Shri Ajab Lal Sharma, Branch	}	
Secy., Colliery Mazdoor Sangh.		
and	}	
Shri Sant Bilas Ojha, Member,		
Colliery Mazdoor Sangh.		

Short recital of the case

Ganeshpur Colliery was closed during the month of December, 1963 under the orders from the Department of Mines. The workmen have been approaching the management for reopening the colliery as early as possible and provide them employment. The management has also been making efforts to get the colliery re-opened by approaching the Department of Mines. The parties then had discussion before the Conciliation Officer (Central), Dhanbad-I on 1st August, 1964. After prolonged discussions the parties have arrived at a settlement, the terms of which are as follows:—

Terms of the Settlement

(1) Management shall restart working of the Ganeshpur Colliery with effect from 17th August, 1964 or earlier if possible. First 9th seam bottom will be started.

(2) The workmen needed for working the Ganeshpur colliery will be taken out of the workmen on seniority basis. Provisions of Section 25H of I.D. Act,

1947 and rules 77 and 78 of I.D. (Central) Rules will be followed. The remaining workmen, who cannot be absorbed at Ganeshpur Colliery, will be transferred with all benefits of continuity in service and wages to Kharkharec or Central Kurkend Colliery. After absorption at these two collieries, the junior most workmen, who, remain will be absorbed at Pathergoria, Churi and Babisole Collieries.

The services of those workmen who would not like to work at other collieries will be continued at Ganeshpur Colliery and they will be treated as on "leave without pay" (for purposes of continuous service only), till they are absorbed at Ganeshpur Colliery, as and when the work expands.

(3) The period of idleness from the date of closure of the colliery in December, 1963 till the date of their rejoining their duties will be treated as "Leave without pay" (for purposes of continuous service only), for all the workmen who have not received their full and final retrenchment compensation. The workmen who have already received retrenchment compensation will be treated as re-employed as fresh entrants.

(4) The case of those workmen, who cannot be absorbed in employment at Ganeshpur colliery will be reviewed after a period of 3 (three) months.

(5) The following workmen will be paid wages of 4 months each towards the compensation for the idle period. This is in addition to the earned wages if any.

- (1) Shri Jagdish Singh.
- (2) Shri Santbilas Ojha.
- (3) Shri Khubari Roy.
- (4) Shri Kalali Prasad Mitra.
- (5) Shri Ramkishan Tiwari.
- (6) Shri Dharmdeo Singh.
- (7) Shri Gobind Singh.
- (8) Shri Jaiprakash.
- (9) Shri Ghura Singh.
- (10) Shri Bishu Mahato.
- (11) Shri Karu Gope.
- (12) Shri Ramprabesh Singh.
- (13) Shri Mahadev Pandey.

(6) The following workmen will be paid wages of 2(two) months towards the period of idleness in addition to their earned wages:

- S/Shri (i) Rameswar Mishra, (ii) Islam Mia, (iii) Arjun Rawani, (iv) Kamal Singh, (v) Sagar Gope, (vi) Maqbul Khan, (vii) Raghuraj Singh (viii) Nagina Singh, (ix) Bishnu Bhuia, (x) Rangbahadur Singh and (xi) Buchi Singh.

(7) The parties agree to withdraw the dispute pending before the Industrial Tribunal, Dhanbad, in respect of the closure of Ganeshpur Colliery.

(8) This settlement does not confer any right of recognition on the union and hence the settlement has been signed separately before the Conciliation Officer (Central).

(9) The workmen, who were transferred to Kharkharec and other collieries from Ganeshpur Colliery, shall be full beneficiaries of this settlement and all orders of termination, discharge or dismissal issued to them shall be treated as cancelled.

(10) The present settlement resolves all the existing disputes between the union and the management.

ATAB LAL SHARMA,
Representing the workmen.
1-8-1964.

S. C. JAIN.
Representing the management.
1-8-1964.

Witnesses:—

- (1) Sd./- Illegible
- (2) Sd./- Illegible.

Before me.
D. V. RAMACHANDRAN,
Conciliation Officer (Central).
Dhanbad. I.
Part of Award.

(Sd.) G. C. AGARWALA,
Presiding Officer.
Industrial Tribunal-Cum-Labour Court.
(Central Jabalpur).

Dhanbad, dated the 1st August, 1964.

[No. 2/56/64-LR.II.]

S.O. 2724.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Mahabir Colliery, Post Office Raniganj, District Burdwan and their workmen, which was received by the Central Government on the 25th July, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA
REFERENCE No. 14 OF 1967

PARTIES:

Employers in relation to the Mahabir Colliery;
AND
Their workmen.

PRESENT:

Shri S. K. Sen Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri A. K. Basu, Advocate.
On behalf of Workmen.—Shri K. C. Mitra, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/111/66-LR.II dated the 10th February, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Mahabir Colliery P.O. Raniganj, Dist. Burdwan, and their workmen in respect of the matter specified in the following schedule:

“Whether the management of Mahabir Colliery were justified in refusing employment to Shri Moti Mochi, Pick Miner, with effect from the 10th September, 1966? If not, to what relief is the workman entitled?”

2. Moti Mochi, according to his evidence, put in 10 years' service as miner or coal cutter at Mahabir Colliery. He applied for leave from 27th June, 1966 to 17th July, 1966. The Management granted leave from 27th June, 1966 to 11th July, 1966, 13 days' leave being on full pay and 2 days' leave without pay.

He was to join on 12th July, 1966. He did not join on 12th July, 1966 and came back considerably later. According to the case of the union, he fell ill on 11th July, 1966 and on the same day sent an application to the management praying for extension of leave by one month; although he did not receive any reply, he believed that he had been granted extension of leave for one month, and he went to join his duty on the expiry of that further period of one month but he was refused employment by the management. The union further stated in their written statement that Moti Mochi was a member of the branch unit of the Colliery Mazdoor Union at Mahabir colliery, but the employers did not recognise the Colliery Mazdoor Union and was victimising workmen having any connection with that union.

3. According to the written statement of management, the concerned workman had sent a letter for extension of leave, and by a letter dated 4th August, 1966 the management informed him of extension of leave upto 11th August, 1966, warning him at the same time that if he failed to join on the expiry of the extended leave, he would lose his lien on the job; but the workman failed to join even on the expiry of the extended leave, and in accordance with the model Standing Orders, the management was justified in terminating his permanent service.

4. From the evidence it has appeared that Moti Mochi was a member of the branch of the Colliery Mazdoor Union at Mahabir colliery, and from the evidence of P.W.2 Banky Singh, organising Secretary of that union, it has appeared that Moti Mochi had also become a member of the branch committee of that union at Mahabir Colliery. Banky Singh stated that the management had retrenched or terminated the services of most of the workmen who had become the original members of the branch committee of the union. It has not however appeared from the evidence that Moti Mochi took any particular active part in the union activities. No copy of any representation submitted by him either to the manager or to the Assistant Labour Commissioner or to any other authority has been produced. No corroborating evidence has also been adduced to show that other persons who had become members of the branch committee, had their services terminated by retrenchment or otherwise. In the circumstances in view of the evidence adduced it is not possible to hold that the refusal of employment to Moti Mochi was victimisation on account of his trade union activities.

5. It has still to be considered whether such refusal of work or termination of service was justified. It is the common case of both parties that on his application for leave, Moti Mochi was allowed leave from 27th June, 1966 to 11th July, 1966 and that he was to join on 12th July, 1966. The leave slip which the union produced, having received the same from the workman concerned, also shows this. Moti Mochi stated that on 10th July he fell ill and that he went to a dispensary or hospital at a distance of about 14 miles from his village home and that he was at that dispensary or hospital as an indoor patient for about a month. But he produced only an outdoor ticket showing that he was treated for dysentery on 11th July, 1966 at a dispensary at Dandai in Palamou district, vide Ext. 2. The workman also produced a medical certificate marked, Ext. C for identification. It was not formally proved as the writer Dr. Radha Prasad was not examined as a witness. But the certificate shows that Moti Mochi was under the treatment of the doctor from 11th July 1966 to 16th August, 1966; the certificate is dated the 16th August, 1966. From this it will appear that Moti Mochi could not have been an indoor patient at the hospital but must have been under the treatment of a doctor for sometime. Moreover, as the certificate is dated the 16th August, 1966 Moti Mochi could not have reported at the colliery on 12th August, 1966, but must have done so after 16th August 1966, say on 17th or 18th of August. There is no reliable evidence as to the date on which he reported back at the colliery. Moti Mochi could not give the date. He said that he returned to the colliery after about a month and a half. P.W.2—Banky Singh, the Organising Secretary of the Union, stated that about the 10th of August, 1966 Moti Mochi saw him and complained to him about refusal of work to him, and when the witness was shown the medical certificate, Ext. C bearing the date 16th August, 1966, the witness stated that there was another certificate and Ext. C was not the certificate which was shown to him. In the reference order it is mentioned that Moti Mochi was refused work with effect from 10th September, 1966. A letter from the Organising Secretary to the Assistant Labour Commissioner(C), Raniganj dated the 24th September 1966 a copy of which is enclosed with the failure report annexed to the reference order, shows that the Organising Secretary then wrote to the A.L.C. that the workman had to take extension of leave on medical ground upto 10th September, 1966 and returned to the colliery on that day i.e. 10th September, 1966. No competent witness from the side of the management has come to depose as to

the date when Moti Mochi came back to Mahabir Colliery. The only witness examined on the side of the management is an assistant of the head office at Calcutta who is not directly acquainted with the facts but only saw the file relating to Moti Mochi. The date mentioned in the reference order must therefore be accepted.

6. Moti Mochi stated that he got ill. On behalf of the management a letter applying for extension of leave by Moti Mochi was produced and marked Ext. D; it appears that there in Moti Mochi spoke of the illness of his wife and asked for indefinite extension of leave, stating that he would return when his wife was alright. No evidence of his wife's illness was however produced by Moti Mochi. Moti Mochi in the evidence before the tribunal spoke of his own illness and produced the outdoor certificate, Ext. 2 and the medical certificate marked for identification in support of his statement. But clearly he made false statements e.g. as regards admission to the hospital as an indoor patient. Therefore the explanation for his overstaying leave upto 10th September 1966 cannot be regarded as satisfactory.

7. But it does not appear that the management followed the right procedure in terminating his services or his lien to the permanent service. In the written statement of the management it was stated that the company followed the model Standing Orders. Shri A. K. Basu appearing for the management has stated that the company has got no certified Standing Orders and follow the model Standing Orders. Paragraph 9, clause(3) of the model Standing Orders provides if a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment(a), unless he returns within 8 days of expiry of his leave and (b) explains to the satisfaction of the management his inability to return before the expiry of his leave; and in case the workman loses his lien on his appointment he shall be entitled to be kept on the badli list. The workman in this case failed to return within 8 days of expiry of leave. But the manager did not wait to get any explanation of the inability of the workman to return in due time. Before the workman had returned or had given any explanation for his absence his services were terminated. It has been urged on behalf of the management that as the workman failed to return within 8 days of the expiry of the leave and in fact overstayed his leave by many days, i.e. by nearly 2 months, it was not necessary on the part of the manager to wait for his return and get an explanation for his absence. I do not however agree that the provision should be interpreted in that way. If taken in that sense it would mean that any workman overstaying leave by 8 days or more would automatically lose his lien on his appointment. That would be unjust so far as workmen are concerned; if a workman overstays leave by 8 days or more but still can give a satisfactory explanation to the management about the reason of his overstaying leave he is entitled to be granted such extension of leave as may be due to him and to retain the continuity of his service. Both the conditions (a) and (b) must be considered before the lien of a workman on his permanent job may be terminated. In other words, whatever the period of his absence after the expiry of the leave, his explanation must be considered by the management or in other words he must be given the opportunity to explain his inability to return in time before his lien is terminated. Several companies follow the practice of waiting until the workman returns, and if the workman raises the plea of having been ill the management sends him to a competent medical officer of the colliery or a group of collieries to test the truth or otherwise of the explanation; and if the explanation appears to be true, the workman is allowed to remain in service; his lien is terminated only if on a medical check his explanation appears to be false. No such procedure was adopted by the management of Mahabir colliery. I am therefore of the opinion that the management did not comply with the principles laid down in paragraph 9 clause 3 of the model Standing Orders. Shri A. K. Basu has urged that for absence without leave for over the prescribed period, the Management may terminate the services of a workman summarily, without asking for any explanation for his absence, and has referred to the decision in *Indian Iron and Steel Co. Ltd. Vs. Their workmen*, (1958-1-LLJ 260). But the decision in that case turned on a clause of the Standing Order of the Company concerned, that for absence without leave for 14 days, the Company might summarily discharge any workman. There is no such provision in the Model Standing Orders which Mahabir Colliery follows.

8. Moreover, the management did not merely terminate the lien and placed him on the badli list, Ext. F. is the letter dt. the 18th August, 1966 by which Moti Mochi's services were terminated with effect from 16th August, 1966. There is no mention in this letter of his being placed in the badli list. Under

paragraph 13 of the model Standing Orders there may be termination of employment by giving one month's notice in the case of monthly rated workmen and two week's notice in case of any other workmen. Moti Mochi as a miner was a time rated and weekly paid workman. For simple termination of his service also, he would require 2 week's notice. There was no such notice for 2 weeks for a simple termination of service of Moti Mochi. In fact, the management did not treat it was a case of simple termination of service but termination of lien under paragraph 9 of the model Standing Orders for overstaying leave. But as already explained, provisions of paragraph 9 were not properly followed and therefore I must hold that the termination of service of Moti Mochi was not justified.

9. My award, therefore, is that the management of Mahabir Colliery was not justified in refusing employment to Moti Mochi, Pick miner, with effect from 10th September 1966, and I direct that Moti Mochi be given back his old job as Pick Miner within one month of publication of this award. The period from 12th July to 9th September, and 10th September 1966 to the date of re-employment will be considered as leave without pay, in view of the unsatisfactory nature of the explanation for Moti Mochi's long absence after the expiry of his leave.

(Sd.) S. K. SEN,
Presiding Officer.

Dated the 22nd July, 1967.

[No. 6/111/66-LRII.]

New Delhi, the 2nd August 1967

S.O. 2725.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial disputes between the employers in relation to the Pure Bhagatdih Colliery, Post Office Jharla, District Dhanbad, and their workmen, which was received by the Central Government on the 28th July, 1967.

**BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD**

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 24 OF 1967

PARTIES:

Employers in relation to the Pure Bhagatdih Colliery, Post Office, Jharla,
Dist. Dhanbad.

AND

Their Workmen.

PRESENT:

Shri Nandagiri Venkata Rao,—Presiding Officer.

APPEARANCES:

For the Employers.—Shri S. S. Mukherjee, Advocate.

For the Workmen.—Shri S. S. Kapur, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated, the 18th July, 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Pure Bhagatdih Colliery, Post Office, Jharla, District Dhanbad and their workmen, by its order No. 2/150/64-LRII dated 9th March 1965 referred to the Central Government Industrial Tribunal,

Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

“SCHEDULE

Whether the management of Pure Bhagatdih Colliery were justified in terminating the services of Shri Rajendra Prasad, Overman, with effect from the 26th September, 1964? If not, to what relief is the workman entitled?”

2 The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 32 of 65 on its file. Parties filed their statements of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No 8/25/67-LRII dated 8th May 1967 under section 33(b) of the Industrial Disputes Act, 1947. Consequently, the reference is re-numbered on the file of this Tribunal as reference No. 24 of 1967,

3 The concerned workman Shri Rajendra Prasad (hereinafter referred to as the workman) was working as an overman from 5th November 1941 and the employers terminated his services with effect from 26th September 1964 on his attaining the age of 60 years. These facts are not in dispute. The case of the workmen in brief is that as per the age of the workman entered in his sirdar's certificate on 8th August 1932 and in his overman's certificate he had attained the age of 60 years on 25th September 1964 that from 19th January 1959 he had entered into correspondence with the Chief Inspector of Mines for correction of the age entered in his overman's certificate, that on failing to get favourable response he deposited the required fee for his medical examination, that on 25th September 1964 he wrote to the Chief Inspector of Mines that he should be allowed to continue to work as overman till his examination and forwarded a copy of the letter to the Manager of the employer's colliery, that without waiting for the result of the medical examination the management of the colliery of the employers discharged him from service with effect from 26th September 1964 and that termination of his service was unjust improper and actuated by malice and ulterior motive. The stand taken by the employer is that the age entered in the workman's sirdar's certificate and overman's certificate was conclusive proof of his age, that unless the Chief Inspector of Mines authorised, the employers could not permit any overman to act as such after he attained the age of 60 years, that the employers could not wait for the result of the medical examination, that the workman having become unfit and incompetent after attaining the age of 60 years his services came to an end automatically, that the employers were permitted to run the colliery with a part time second class Manager with one overman, and, as such, without an overman after 25th September 1964 they were bound to close down the mine, that for the above reason, the employers had already filled up the vacancy by employing another overman before they received the information regarding the medical examination declaring the workman fit for service and that no motive could be attributed to the employers for terminating the services of the workman when he had become unfit and incompetent to act as an overman.

4. The workmen were represented by Shri S. S. Kapur, Advocate and the employers by Shri S. S. Mukherjee, Advocate. On behalf of the workmen the workman is examined as WW1 and Exts. W1 and W13 are marked by consent of the employers. On behalf of the employers no witness is examined, but Exts. M1 to M6 are marked by consent of the workmen.

5. The relevant part of the regulation No 28 of the Coal Mines Regulation, 1957 lays down—

“(1) No person shall act as a manager or an official or a short-firer or a winding enginemen in a mine after attaining the age of 60 years unless he has obtained within the preceding one year, a medical certifi-

cate of fitness certifying him fit to carry out the duties prescribed for him in the Act and in these regulations and orders made thereunder.

* * * * *

- (2) The medical certificate of fitness as aforesaid shall be obtained from such authority and in such manner as the Board may specify”.

The term “official”, as defined in Regulation 1(20) of the Regulation includes in it an overman also. Ext. M6 is a circular from the Chief Inspector of Mines dated 11th July 1962 impressing the importance of applying for medical examination sufficiently well in advance as required under the Regulation. It has drawn particularly the attention of the candidates concerned that an application for grant of a medical certificate of fitness should be made by the candidates to the Chief Inspector of Mines not less than four months prior to the date on which the medical certificate of fitness is required. The workman as WW1 has conceded that Shri A. K. Kundu has been the Manager of the colliery as well as New Dobary Colliery. Ext. M5 is the authorisation from the Chief Inspector of Mines in favour of Shri A. K. Kundu under Regulation 31(4) of the Coal Mines Regulation, 1957 to act at one and at the same time as Manager of (1) Pure Bhagatdih Colliery, owned by Pure Bhagatdih Colliery Company; and (2) New Dobary Colliery, owned by New Dobary Colliery Co. One of the condition lays down by the authorisation is that at least one qualified overman is appointed at each mine. Admittedly, as per the age mentioned in his sirdar's certificate and overman's certificate the workman had attained the age of 60 years on 25th September 1964 and as per Regulation 28 the employers had no authority to keep him in service as an overman beyond 25th September 1964. It is also admitted by the workman that he underwent medical examination only on 23rd October 1964 which declared him fit for further service as an overman. But it was not within one year prior to 25th September 1964, nor at any time prior to it. Admittedly, the age of the workman in his sirdar's certificate dated 8th August 1932 was mentioned as 28 years and he has passed his overman's examination and obtained the certificate in 1959. But he did not complain to any one about his age mentioned in the two certificates as wrong. He says that he did not pay heed to it because before coming into force the Regulation in 1957 there was no restriction that he could work only upto 60 years of age. But from 1959 at least he should be presumed to have known that he could not work beyond the date on which he attained the age of 60 years unless the conditions mentioned in Regulation under 28 were fulfilled. From 19th January 1959 he entered into correspondence with the Chief Inspector of Mines for correction of his age without any reference to the employers. For the first time a copy of the letter addressed by the workman to the Chief Inspector of Mines on 25th September 1964 was sent to the Manager of the colliery of the employers, in which the workman had requested the Chief Inspector of Mines to permit him to continue to work as an overman till his medical examination was held. The copy of the letter is Ext. W5 and its endorsement by the Manager of the colliery shows that it was received by him on 28th September 1964. By then the services of the workman were already terminated on his attaining the age of 60 years under Regulation 28. The subsequent exts. are of no avail as they have come into existence after the services of the workman were terminated. The workman says that he has been subsequently declared fit by the medical board on 23rd October 1964 as fit for further work as overman, but the employers could do nothing about it. The workman may have a just complaint against the Chief Inspector of Mines or any other authority for not attending to his matter promptly, but that cannot make the order of termination of his services unjust or illegal in any way. Thus, it cannot be said that the termination of his services as an overman with effect from 26th September 1964 is wrong or not justified.

6. I, therefore, hold that the management of the Pure Bhagatdih Colliery were justified in terminating the services of Shri Rajendra Prasad, Overman, with effect from 26th September 1964 and, consequently, he is not entitled to any relief. I make the award accordingly and submit it under section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,

Presiding Officer.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD

REFERENCE NO. 24 OF 1967

Employers in relation to the Pure Bhagatdih Colliery, Post Office, Jharia, Dist.
Dhanbad

AND

THEIR WORKMEN

List of Documents admitted in evidence for the Employers

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Ext. M 1	Office copy of letter from management to Sri Rajendra Prasad dated 22-9-64	22-6-67	Admitted	Nil
Ext. M 2	Office copy of letter by Manager to Shri Rajendra Prasad dated 29-9-64	Do.	Do.	Nil
Ext. M 3	Letter by Rajendra Prasad to the Manager dated 3-10-64	Do.	Do.	..
Ext. M 4	Office copy of the letter by the Partner to Shri Rajendra Prasad dated 7-10-64	Do.	Do.	..
Ext. M 5	Copy of document No. 18469 dated 1-1-64 granted by the Chief Inspector of Mines, Dhanbad	Do.	Do.	..
Ext. M 6	C.I.M. circular No. 33 of 1962 dated 11-7-62			

List of Documents Admitted in Evidence for the Workmen

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted or proved	Proved by
Ext. W 1	Office copy of the letter dated 1-9-64 from the workman to the C.I.M.	28-6-67	Admitted	..
Ext. W 2	Office copy of letter dated 12-9-64 from workman to C.I.M.	Do.	Do.	..
Ext. W 3	Original copy of letter No. Jr. Med/ 31164 dated 14-9-64 from C.I.M. to workman.	Do.	Do.	..
Ext. W 4	Office copy of workman's letter dated 21-9-64 to the C.I.M.	Do.	Do.	..
Ext. W 5	Office copy of workman's letter dated 25-9-64 to the C.I.M.	Do.	Do.	..
Ext. W 6	Original copy of letter dated 29-9-64 from the Manager to workman	Do.	Do.	..

Distinguishing make or number	Description of document and date	Date of admission	Whether admitted or proved	Proved by
Ext. W 7	Original Education Deptt. Bihar, Transfer Certificate dated 1-8-1926	28-6-67	Admitted	..
Ext. W 8	Original affidavit dated 19-1-59	Do.	Do.	..
Ext. W 9	Original letter No. Jr. Med/34800-07/64 dated 29-9-64 from the Junior Medical Board, Board of (Coal) Mining Examination	Do.	Do.	..
Ext. W 10	Original letter No. Jr. Med./38062/64 dated 7-11-64 from the Secretary of the Board of Mining Examination to workman	Do.	Do.	..
Ext. W 11	Ministry's letter No. 2/150/64-LRII dated 18-7-66 along with a copy of Award dated 21-6-66 in Complaint No. 16/64	Do.	Do.	..
Ext. W 12	Office copy of letter dated 3-10-64 from the workman concerned to the Manager	Do.	Do.	..
Ext. W 13	Copy of the letter No. S/25852/64 dated 30-7-64 from C.I.M. to Manager, Pure Bhagatdih Colliery	Do.	Do.	..

Sd/- N. VENKATA RAO,
Presiding Officer,
Central Government Additional
Industrial Tribunal at Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE NO. 24 OF 1967

Employers in relation to the Pure Bhagatdih Colliery, Post Office, Jharia, Dist.
Dhanbad

AND

Their Workmen

List of Witness examined for the Employers

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

List of Witness examined for the workmen

No. of witness	Name of witness	Date of examination
WWI	Shri Rajendra Prasad	11-7-67

Sd/- N. VENKATA RAO,
Presiding Officer,
Central Govt. Additional Industrial Tribunal,
Dhanbad
[No. 2/150/64-LRII.]

New Delhi, the 3rd August 1967

S.O. 2726.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Gazlitand Colliery of Messrs New Manbhum Coal Company Limited, P.O. Sijua, (Dhanbad) and their Managing Agents, Messrs Octavious Steel and Company Ltd. Calcutta-1, of the one part and their workmen of the other part, which was received by the Central Government on the 26th July, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CAMP AT ALLAHABAD

Dated the July 14, 1967

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

REFERENCE No. 42 OF 1965 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R)(80)/67 (JABALPUR TRIBUNAL)

APPEARANCES:

For the Employers—Sri B. B. Singh, Personnel Officer.

For the Workmen—Sri Uma Kant Singh, Branch Secretary, Colliery Mazdoor Sangh.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 1/1/65-LRI-II, dated 22nd March, 1965, the following matter of dispute as stated in the Schedule to the order of reference was referred to Central Government Industrial Tribunal, Dhanbad by the Ministry of Labour and Employment for adjudication:—

SCHEDULE

- I. Whether the action of the management of Gazlitand Colliery of Messrs New Manbhum Coal Company Limited and their Managing Agents, Messrs Octavious Steel and Company Limited, in suspending the following workmen for the periods mentioned against their names was justified? If not, to what relief are the workmen entitled?
 - (1) Pritam Singh, Night Guard—7 days from the 5th August, 1964 to the 11th August, 1964 and 10 days from the 26th August, 1964 to the 4th September, 1964.
 - (2) Ramprit Singh, Night Guard—7 days from the 5th August, 1964 to the 11th August, 1964 and 10 days from the 26th August, 1964 to 4th September, 1964.
 - (3) Ram Kripal Tiwari, Night Guard—10 days from the 18th August, 1964 to 27th August, 1964.
- II. Whether the action of the management of Gazlitand Colliery of Messrs New Manbhum Coal Company Limited, and their Managing Agents, Messrs Octavious Steel and Company Limited in suspending Sarvashri Asraf Shah and Daulat Mahato, Miners, with effect from the 11th July, 1964 and dismissing them from service with effect from the 21st July, 1964, was justified? If not, to what relief are the workmen entitled?

The case remained pending before the said Tribunal from 31st March, 1965 till it was transferred to this Tribunal by Notification No. 8/25/67/LR-II, dated 25th April, 1967.

After usual notices were issued, parties took time to compromise and have filed a compromise petition, terms of which are reproduced in the annexure. There are two subjects of dispute, one relating to justifiability of suspension and the other in respect of suspension and subsequent dismissal of two other workmen. As terms of settlement would show the management has agreed to pay a sum of Rs. 25 as an *ex gratia* payment to all the three concerned workmen covered by issue No. 1 for the suspension period and for the other two workmen covered by issue No. 2, the management has agreed to reinstate them and to treat the period

of absence as leave with continuity of service. The compromise is a fair and just settlement of the dispute which is accepted and an award is recorded in terms thereof.

(Sd.) G. C. AGARWALA,

Presiding Officer-

BEFORE THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, (CENTRAL), AT ALLAHABAD

In the matter of

REFERENCE No. CGIT/LC(R)(80) OF 1967

REFERENCE No. 42 OF 1965

PARTIES:

Employers in relation to Gazlitand Colliery of Messrs New Manbhoom Coal Co., Ltd.

AND

Their Workmen represented by the Colliery Mazdoor Sangh, Dhanbad.

Joint petition of Compromise

The parties above named most respectfully beg to submit as under:—

1. That the Government of India, in the Ministry of Labour and Employment vide their Notification No. referred the under mentioned matter for Adjudication to the Industrial Tribunal, Dhanbad.

"Whether the action of the management of Gazlitand Colliery of Messrs New Manbhoom Coal Co., Ltd., and their Managing Agents, Messrs Octavius Steel & Co. Ltd. in suspending the following workmen for the period, mentioned against their names was justified? If not to what relief are the workmen entitled?"

1. Pritam Singh Night Guard—7 days from the 5th August 1964 and 10 days from the 26th August, 1964 to the 4th September, 1964.
2. Sri Ram Kripal Tewari Night Guard—10 days from the 18th August, 1964 to 27th August, 1964.
3. Ram Pirit Singh, Night Guard—7 days from the 5th August, 1964 to the 11th August, 1964 and 10 days from the 26th August, 1964 to the 4th September, 1964.

II. "Whether the action of the management of Gaslitand Colliery of Messrs. New Manbhoom Co., Ltd., and their Managing Agents, Messrs Octavius Steel & Co., Ltd. in suspending Sarvashri Asraf Shah and Daulat Mahato, Miners, with effect from 11th July, 1964 and dismissing them from service from the 21st July, 1964 was justified? If not, to what relief are the workmen entitled?"

2. That the parties above named have in the meantime discussed the dispute in reference and have agreed to mutually settle the issue on the following terms:—

Item No. 1.

- (i) It is agreed that Sarvashri Pritam Singh, Ram Kripal Tewari and Ram Pirit Singh, will be paid an *ex gratia* amount of Rs. 25 (Rupees twenty five) each.
- (ii) The parties will bear their respective costs.

Item No. II.

- (i) It is agreed that Sarvashri Asraf Shah and Daulat Mahato will be re-instated in their original post with effect from 31st July, 1967.
- (ii) It is agreed that the intervening period from the date of dismissal till the date of their reinstatement that is from 21st July, 1964 to 31st July, 1967 will be treated as leave without pay and the continuity of service will be maintained.
- (iii) The parties will bear their respective costs.

3. Under the circumstances, the parties herein concerned most respectfully beg to pray that this Hon'ble Tribunal may graciously be pleased to accept the settlement stated herein above and pass an Award in terms thereof.

And for this the parties in duty-bound shall ever pray.

for Employers:
M/s. New Manbhoom Coal Co. Ltd.
Gaslitan Colliery.
P. N. SUR, Agent.
The New Manbhoom Coal Co. Ltd.,
Gaslitan Colliery, P.O. Sijua,
Dhanbad.

for Workmen:
for Colliery Mazdoor Sangh.
SHANKAR BOSE,
Secretary.

- (1) SRI PRITAM SINGH, Night Guard.
- (2) RAM KRIPAL TEWARI, Night Guard.
- (3) RAM PIRIT SINGH, Night Guard.
- (4) ASRAF SHAH, Miner
- (5) DAULAT MAHATO, Miner.

Verified before me.

(Sd.) *Illegible*,

Verified
(Sd.) G. C. AGARWALA,
Presiding Officer,
Industrial Tribunal-cum-Labour Court.
14-7-67.

Labour Welfare Officer.

Part of Award

(Sd.) G. C. AGARWALA,
Presiding Officer,
14-7-67.

Industrial Tribunal-cum-Labour Court.
[No. 1/1/65-LR-II.]

S.O. 2727.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the New Tetturya Colliery of Messrs Tentulia Khas Collieries Limited (Post Office Malkera, District Dhanbad), and their workmen, which was received by the Central Government on the 31st July, 1967.

**BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT DHANBAD**

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 44 OF 1967

PARTIES:

Employers in relation to the New Tetturya Colliery of Messrs Tentulia Khas Collieries Limited, Post Office Malkera, District Dhanbad.

AND

Their Workmen

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES:

For the Employers.—Shri K. C. Nandakeolyar, Dy. Chief Personnel Officer.

For the Workmen.—Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated 22nd July, 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the New Tetturya Colliery of Messrs Tentulia Khas Collieries Limited, Post Office Malkera, District Dhanbad, and their workmen, by its order No. 2/47/65-LR-II, dated 25th May 1965 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

"SCHEDULE

Whether the action of the management of the New Tetturya Colliery of Messrs Tentulia Khas Collieries Limited in dismissing from service Shri Subedar Jadav, fireman, with effect from the 22nd February, 1965, was justified or whether it was an act of victimisation? In either case, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 87 of 1965 on its file. Workmen filed their statement of demands. No statement of demands was filed by the employers. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its Order No. 8/25/67-LRII dated 8th May 1967 under Section 33(b) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 44 of 1967.

3. The workmen are represented by Shri Dasgupta, Secretary, Colliery Mazdoor Sangh and the employers by Shri K. C. Nandkeolyar, Deputy Chief Personnel Officer. The Parties have filed a compromise memo stating that the concerned workman has been reinstated to his original post with continuity of service and that the parties have agreed that the period of the idleness of the concerned workmen from the date of termination of duty till the date of resumption would be treated as leave without pay. The compromise memo is duly verified. The terms of compromise appears to me fair and in the interests of the concerned workman. The compromise is, therefore, accepted. The award is made in terms of the compromise and submitted under section 15 of the Industrial Disputes Act, 1947. The compromise memo is annexed hereto and made part of the award.

Sd./- N. VENKATA RAO,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD

REFERENCE NO. 87 OF 1965/44 OF 1967

Employers in Relation to Messrs Tentulia Khas Collieries Ltd., New Tetturya Colliery, P.O. Malkera (Dhanbad).

AND

Their workmen, represented by the Colliery Mazdoor Sangh, Dhanbad.

Joint Petition on behalf of the Management of M/s. Tentulia Khas Collieries Ltd., New Tetturya Colliery, P.O. Malkera District Dhanbad and their workmen represented by the Colliery Mazdoor Sangh, Dhanbad.

That the petitioners above named respectfully beg to submit as under:—

1. That the above reference is fixed before this Hon'ble Tribunal for today the 18th July, 1967.

2. That the petitioners have, by an agreement dated 4th August, 1965, already settled the dispute amicably on the following terms and conditions:

"It is agreed that Shri Subedar Yadav, Fireman, shall be reinstated in his original job with continuity of service, the period of his idleness from the date of termination of duty till the date of resumption will be treated as leave without pay. For the purpose of earned annual leave and bonus, he should be treated as if on duty for the said period. In case the workman concerned is unable to report for work immediately, he should be given 31 days' time to do so."

3. That the said settlement has already been implemented fully by the management and that there is no dispute between the employers and the workmen now. In view of the above, it is prayed that the Hon'ble Tribunal will be gracious to pass an Award in terms of the above settlement.

And for this, the petitioners as in duty bound shall ever pray.

Sd/-

(S. DAS GUPTA)
Secretary,
Colliery Mazdoor
Sangh, Dhanbad.
For the workmen.

(Dated the 18th July 1967)

Sd/-

(K. C. NANDKEOLYAR)
Deputy Chief Personnel Officer,
for the Management of M/s.
Tentulia Khas Collieries Ltd.
New Tetturya Colliery.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT DHANBAD

REFERENCE NO. 44 OF 1967

Employers in relation to the New Tetturya Colliery of Messrs Tentulia Khas Collieries
Limited Post Office Malkera, District Dhanbad.

AND

Their workmen.

List of documents admitted in evidence for the employers

Distinguishing mark or number	Description of document & date	Date of admission	Whether ad- mitted or on proof	Proved by
NIL	NIL	NIL	NIL	NIL

List of documents admitted in evidence for the workmen

Distinguishing mark or number	Description of document & date	Date of admission	Whether ad- mitted by consent or on proof	Proved by
NIL	NIL	NIL	NIL	NIL

Sd./-N. VENKATA RAO,
Presiding Officer,
Central Government Additional
Industrial Tribunal, Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD

REFERENCE NO. 44 OF 1967

Employers in relation to the New Tetturya Colliery of Messrs Tentulia Khas Collieries.
Limited Post Office Malkera, District Dhanbad.

AND

Their workmen.

List of witnesses examined for the employers

No. of witness	Name of witness	Date of examination
NIL	NIL	NIL

List of witnesses examined for the workmen

No. of witness	Name of witness	Date of examination
NIL	NIL	NIL

Sd/- N. VENKATA RAO,
Presiding Officer,
Central Government Additional
Industrial Tribunal, Dhanbad.

[No. 2/47/65-LRII.]

S.O. 2728.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office Dhanbad, District Dhanbad and their workmen, which was received by the Central Government on the 28th July, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

In the matter of reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 34 OF 1967

PARTIES:

Employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office, Dhansar, District Dhanbad.

AND

Their Workmen.

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES:

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri Shapker Bose, Secretary, Colliery Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 19th July, 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office, Dhansar, Dist. Dhanbad and their workmen, by its Order No. 2/40/65-LRII, dated the 22nd April 1965 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the action of the management of the Ena Colliery of Messrs North West Coal Company Limited in terminating the services of Shri Sukhu Majhi, Miner, with effect from the 14th May, 1964 was justified? If not, to what relief is the workmen entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 66 of 1965 on its file. Parties filed their statement of demands. While it was pending before the Central Government Industrial

Tribunal, Dhanbad, the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII, dated 8th May 1967 under Section 33(b) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as Reference No. 34 of 1967.

3. The concerned workman, Shri Sukhu Majhi (hereinafter referred to as the workman) was a permanent miner in the colliery of the employers. He met with an accident on 16th September 1960 and was sent to the Central Hospital for treatment. He was discharged from the Hospital on 7th October 1960. As he was not fit for substantive duty he was recommended by the medical authority for surface duty. Accordingly the employers provided the workman with the surface job of a shale picker, which he continued till 12th May 1964. In the meanwhile the workman was examined by the medical board. As per the report of the board dated 28th December 1963 the disability of the workman was assessed at 15 per cent. The employers terminated the services of the workman with effect from 14th May 1964, offering him compensation for the loss of his earning capacity and a month's pay in lieu of notice. These facts are not in dispute. The case of the workman is that the workman could have been allowed to continue to work as a shale picker and paid as such and the termination by the employers of the services of the workman as a shale picker was not justified and was against the Standing Orders. It is further stated that the workman was not given any notice or opportunity to defend himself and that there was no reason why the workman should be discharged while there was no dearth of shale picker's job in the colliery. The stand taken by the employers is that they provided the workman with a light job of a shale picker from the very next day of the report of the medical authority, that hoping that the workman would recoup his health and become fit to discharge his duties of his permanent job as a miner they continue to take work from him and paid the wages of a shale picker as long as more than three years and that when the medical board assessed his deficiency and loss of earning capacity at 15 per cent of the employers terminated his services offering him the compensation for loss of his earning capacity and a month's pay in lieu of notice as provided for in the Standing Orders and the law.

4. The workmen were represented by Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh and the employers by Shri S. S. Mukherjee, Advocate. By consent of the employers Ext. W1 is marked for the workmen and by consent of the workmen Exts. M1 to M5 are marked for the employers. The parties did not lead any oral evidence.

5. The workman had met with an accident on 16th September 1960 and was admitted in the Central Hospital. On the recommendation of the medical authority dated 7th October 1960 he was provided from 8th October 1960 with the surface job of a shale picker and continued as such till 12th May 1964. As is seen from the discharge certificate and out patient ticket Ext. M3 and M4 the workman approached the Hospital several times for declaring him fit for his substantive job, but the medical authorities declined to do so and persistently held that he was fit for a surface job. The colliery Doctor also examined him on 3rd October 1963 and reported, Ext. M5 that there was no chance of his being cured. Ultimately the medical board examined him and through the letter dated 18th January 1964, Ext. M1 sent the report dated 28th December 1963 assessing the disability and loss of earning capacity of the workman at 15 per cent. Shri Shanker Bose has fairly conceded that he is not challenging the termination of the services of the workman as a miner. His only contention is that the workman ought to have been continued as a shale picker. The same appears to be the stand taken by him before the Conciliation Officer also as per the report of the Conciliation Officer Ext. W1. The reference made to the Tribunal by the Central Government under section 10(1)(d) of the Industrial Disputes Act, 1947 is whether termination of the services of the workman as a miner was justified. Shri Shanker Bose concedes that it was justified. The reference is not to adjudicate whether termination of the services of the workman as a shale picker was justified or not. The nature of the job of a shale picker is quite different from the permanent job of a miner. The jurisdiction of the Tribunal is not wide enough, but it is limited to the reference made to it under section 10(1)(d) of the Industrial Disputes Act, 1947. Consequently, it cannot be said that termination of the services of the workman as a miner was not justified however, the Tribunal may sympathise with the workman's condition. From the report of the Conciliation Officer as well as from the letter of the employers, Ext. M2 it appears that the workman was offered the compensation amount for the loss of his earning capacity and a month's pay in lieu of notice. Under Standing Orders No. 22 the employers are entitled to terminate employment of any workman subject to only on one condition, namely, giving one month's notice for the

monthly paid staff or one month's wages in lieu thereof. Neither there is any allegation nor any evidence that the employers were actuated by any ulterior motive of victimisation in terminating the services of the workman. The decision of the Allahabad High Court in *British India Corporation Limited, Kanpur Vs. Labour Appellate Tribunal, Lucknow* and others, also lends support to the action taken by the employers. Perhaps there is a dearth for the jobs of shale pickers with the employers but they cannot be compelled under any law or rule to provide the workman with one of them.

6. I, therefore, hold that the action of the management of the Ena Colliery of Messrs North West Coal Co. Ltd., in terminating the services of Shri Sukhu Majhi, miner with effect from the 14th May, 1964 was justified and consequently, the workman is not entitled to any relief. The award is made accordingly and submitted under section 15 of the Industrial Disputes Act, 1947.

Sd./- N. VENKATA RAO,
Presiding Officer.

APPENDIX

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 34 OF 1967

Employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office, Dhansar, Dist. Dhanbad.

AND

Their workmen.

List of Documents Admitted in evidence for the Employers

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Ext. M 1	Medical examination report dt. 28-12-63 with the forwarding letter dt. 18-1-64.	12-7-67	Admitted	..
Ext. M 2	Office copy of letter of termination dated 12-5-64.	-do-	-do-	.
Ext. M 3	Discharge certificate of Central Hospital, Dhanbad.	-do-	-do-	..
Ext. M 4	Two out-door tickets.	-do-	-do-	..
Ext. M 5	Medical Officer's report dt. 3-10-63.	-do-	-do-	..

List of Documents Admitted in evidence for the Workmen

Distinguishing mark or number	Description of documents & date	Date of admission	Whether admitted or proved	Proved by
Ext. W 1	Copy of the conciliation report dt. 29-3-65.	12-7-67	Admitted	..

Sd./- N. VENKATA RAO,
Presiding Officer,
Central Government Additional
Industrial Tribunal, Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD

REFERENCE NO. 34 OF 1967

Employers in relation to the Ena Colliery of Messrs North West Coal Company Limited,
Post Office, Dhansar, Dist. Dhanbad.

AND

Their workmen.

List of Witness Examined for the Employers

No. of witness	Name of witness	Date of examination
NIL	NIL	NIL

List of Witness Examined for the Workmen

No. of witness	Name of witness	Date of examination
NIL	NIL	NIL

Sd/- N. VENKATA RAO,
Presiding Officer,
Central Government Additional Industrial Tribunal .
Dhanbad.

[No. 2/40/65-LRIL/

S.O. 2729.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bhalgora Colliery, Post Office Jharia, District Dhanbad, and their workmen, which was received by the Central Government on the 28th July, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 29 OF 1967.

PARTIES:

Employers in relation to the Bhalgora Colliery, Post Office, Jharia, Dist.,
Dhanbad.

AND

Their workmen.

PRESENT:

Shri Nandagiri Venkata Rao.—*Presiding Officer.*

APPEARANCES:

For the Employers.—Shri G. K. Sinha, Manager.

For the Workmen.—Shri Prasanta Burman, General Secretary, Bihar
Koyla Mazdoor Sabha.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 22nd July, 1967.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Bhalgora Colliery, P.O. Jharia, Dist. Dhanbad and their workmen, by its order No. 2/103/64-LRII dated 2nd April, 1965 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the termination of service of Shri Kailu Ram, Stone cutter/night guard, with effect from the 12th June, 1964 by the management of the Bhalgora Colliery was justified? If not, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 51 of 1965 on its file. Workmen filed their statement of demands but no statement of demands was filed on behalf of the employers. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May, 1967, under Section 33 (b) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 29 of 1967.

3. The workmen are represented by Shri Prasanta Burman, General Secretary, Bihar Koyla Mazdoor Sabha and the employers by Shri G. K. Sinha, Manager. Parties have filed a compromise memo which is duly verified. As per the terms the employers agreed to pay the concerned workman Shri Kailu Ram Rs. 1,500 in full settlement of his claim for reinstatement with back wages and the union also agreed to relinquish the claim of reinstatement with back wages of the concerned workman and to accept the sum of Rs. 1,500 in full satisfaction of the same, the employers agreed to pay the sum of Rs. 1,500 within two months to the concerned workman, Shri Kailu Ram and the union agreed that the concerned workman, Shri Kailu Ram would immediately vacate his quarter in Bhalgora Colliery on receipt of this amount. I consider the terms of compromise as fair and beneficial to the concerned workman. The compromise is, therefore, accepted. The award is made in terms of the compromise and submitted under Section 15 of the Industrial Disputes Act, 1947. The compromise petition is annexed herewith and made part of the award.

Sd./- N. VENKATA RAO,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

IN REFERENCE No. 29 OF 1967/51 OF 1965.

Between Employers in relation to Bhalgora Colliery.

AND

Their workmen—represented by Bihar Koyla Mazdoor Sabha.

Petition for Compromise Settlement.

The humble petitioners on behalf of the employers and the workmen, involved in the above dispute begs to state most respectfully as follows:

That the parties have reached a compromise settlement of the dispute under reference, on the terms given below:

1. That the management agrees to pay Sri Kailu Rs. 1,500/- (Rupees One thousand five hundred) in full settlement of his claim for reinstatement with back wages; and the union also agrees to relinquish the claim of reinstatement with back wages of Sri Kailu Ram, and to accept the sum of Rs. 1,500 in full satisfaction of the same.

2. That the parties agree that they shall have no further claim against each other, with regard to the above dispute.

3. That the parties agree to bear their own cost.

4. That the management agrees to pay the sum of Rs 1500/- within two months from this date to Sri Kailu Ram.

5. That the union agrees that Sri Kailu Ram shall immediately vacate his quarter in Bhalgora Colliery, on receipt of this amount.

The petitioners pray that the Hon. Tribunal may be pleased to approve of the above terms of compromise settlement, and to pass an award in terms thereof.

And for this the petitioners shall ever pray.

For the Employer

Sd./- G. K. SINHA.

Manager,

Bhalgora Colliery

Dated, Dhanbad,

For the Workmen.

Sd./- PRASANTA BARMAN,

General Secretary.

Bihar Koyla Mazdoor Sabha.

The 13th July, 1967.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL DHANBAD

REFERENCE NO. 29 OF 1967

Employers in relation to the Bhalgora Colliery, Post Office, Jharia, Distt. Dhanbad.

AND

Their workmen.

List of documents admitted in evidence for the employers

Distinguishing mark or number.	Description of document & date	Date of admission.	Whether admitted or proved.	Proved by
NIL	NIL	NIL	NIL	NIL

List of documents admitted in evidence for the workmen

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
NIL	NIL	NIL	NIL	NIL

Sd/- N. VENKATA RAO,
Presiding Officer,
Central Government Additional Industrial
Tribunal, Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT DHANBAD

REFERENCE NO. 29 OF 1967

Employers in relation to the Dhalbhaga Colliery, Post Office Jharia, Distt. Dhanbad

AND

Their workmen

List of witness examined for the employers

No. of witness	Name of witness	Date of examination
NIL	NIL	NIL

List of witness examined for the workmen

No. of witness	Name of witness	Date of examination
NIL	NIL	NIL

Sd/- N. VENKATA RAO,
Presiding Officer,
Central Government Additional Industrial Tribunal
Dhanbad

[No. 2/108/64-LRII.]

New Delhi, the 4th August 1967

S.O. 2730.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Gazlitand Colliery of Messrs New Manbhumi Coal Company Limited, Post Office Sijua, District Dhanbad, and their Managing Agents, Messrs Octavius Steel and Company Limited (Calcutta) of the one part and their workmen of the other part, which was received by the Central Government on the 30th July, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT DHANBAD

In the matter of a Reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 47 OF 1967

PARTIES:

Employers in relation to the Gazlitand Colliery of Messrs New Manbhumi Coal Company Limited, Post Office; Sijua, Dist. Dhanbad and their Managing Agents, M/s. Octavius Steel and Co., Ltd., (Calcutta-1).

AND

Their workmen

PRESENTS:

Shri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES:

For the Employer:—Shri B. B. Singh, Personnel Officer.

For the Workmen:—Shri B. B. Kaksi, concerned workman.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated, the 24th July 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Gazlitand Colliery of Messrs New Manbhoom Coal Company Limited, Post Office, Sijua, Dist. Dhanbad and their Managing Agents Messrs Octavius Steel and Company Limited (Calcutta-1) of the one part and their workmen of the other part, by its order No. 2/154/64-LRII dated 31st May, 1967 referred to the Central Government Industrial Tribunal, Dhanbad under Section 19(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below :

SCHEDULE

"Whether the dismissal, with effect from the 7th November, 1964 of Shri Benoy Bhusan Bakshi, Store Keeper, by the management of the Gazlitand Colliery of Messrs New Manbhoom Coal Company Limited and their Managing Agents, Messrs Octavius Steel and Company Limited, was justified? If not, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 90 of 1965 on its file. None of the parties filed statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May, 1967 under section 33(b) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as Reference No. 47 of 1967.

3. The concerned workman Shri Benoy Bhusan Bakshi was present in person and the employers were represented by Shri B. B. Singh, Personnel Officer. Parties have filed a compromise memo stating that the employers have agreed to reinstate the concerned workman in service from 1st August, 1967 with continuity of service and that period from the date of the dismissal to reinstatement of the concerned workman will be treated as leave without pay. The compromise memo is also signed by Shri Shankor Bose, Secretary, Colliery Mazdoor Sangh for the workmen and it is duly verified. I consider the terms of the compromise fair and in the interest of the concerned workman. The compromise is, therefore, accepted. The award is made in terms of the compromise and submitted under Sec. 15 of the Industrial Disputes Act, 1947. The joint petition of compromise is annexed hereto and made part of the Award.

Sd./- N. VENKATA RAO,
Presiding Officer.

BEFORE THE HONOURABLE PRESIDING OFFICER, CENTRAL GOVERNMENT
ADDITIONAL INDUSTRIAL (TRIBUNAL), DHANBAD

IN THE MATTER OF A.T. REFERENCE No. 47 OF 1967

C.G.I.T. Reference No. 90 of 1965

PARTIES:

Employers in relation to Gazlitand Colliery of Messrs New Manbhoom Coal Co., Ltd

AND

Their Workmen represented by the Colliery Mazdoor Sangh, Dhanbad.

Joint Petition of Compromise

The parties above named most respectfully beg to submit as under :—

1. That the Government of India in the Ministry of Labour and Emponymment vide their Notification No _____ referred the undermentioned matter for Adjudication to the Industrial Tribunal, Dhanbad.

"Whether the action of the management of the Gazlitand Colliery of Messrs New Manbhoom Coal Co., Ltd and their Managing Agents, M/s. Octavius Steel & Co., Ltd, in dismissing Sri Benoy Bhusan Baksi, Store Keeper, with effect from the 7th November 1964 was justified? If not to what relief is the workman entitled?"

2 That the parties above named have agreed to mutually settle the issue on the following terms :—

- (i) It is agreed that Sri Benoy Bhusan Baksi, Store Keeper of Gazlitand Colliery, the workman concerned be reinstated in his original post with effect from 1st August 1967.
- (ii) It is agreed that the intervening period from the date of dismissal till the date of his reinstatement will be treated as leave without pay and the continuity of service will be maintained.
- (iii) The parties will bear their respective costs.

3. Under the circumstances the parties herein concerned most respectfully beg to pray that this Hon'ble Tribunal may graciously be pleased to accept the settlement stated herein above and pass an Award in terms thereof.

And for this parties as in duty bound shall ever pray.

For the Employers

M/s. New Manbhoom Coal Co Ltd.

Gazlitand Colliery.

(P. N. SUR)

Agent.

For the Workmen

For Colliery Mazdoor Sangh.

(SHANKAR BOSA)

Secretary.

For Workman concerned.

Dated 12th July, 1967.

(BENOY BHUSAN BAKSI)

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

Reference No. 47 of 1967

Employers in relation to the Gazlitand Colliery of Messrs New Manbhoom Coal Company Limited, Post Office; Sijua, Dist. Dhanbad and their Managing Agents, M/s. Octavius Steel and Co. Ltd., (Calcutta-1).

AND

Their Workmen

List Of Documents Admitted In Evidence For The Employers

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Nil	Nil	Nil	Nil	Nil

List of documents admitted in evidence for the workmen

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted by consent or on proof	Proved by
Nil	Nil	Nil	Nil	Nil

(Sd) N VENKATA RAO,
Presiding Officer,
Central Government Additional
Industrial Tribunal, Dhanbad

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 47 OF 1967

Employers in relation to the Gazitand Colliery of Messrs New Manbhumi Coal Company Limited, Post Office Suya, Dist Dhanbad and their Managing Agents, M/s. Octavius Steel and Co. Ltd., (Calcutta-I)

AND

Their Workmen

List of witness examined for the employers

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

List of witness examined for the workmen

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

(Sd) N VENKATA RAO
Presiding Officer,
Central Government Additional
Industrial Tribunal, Dhanbad

[No 2/154/64 LR II]

S.O. 2731—In pursuance of section 17 of the Industrial Disputes Act 47 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Toposi Colliery, Post Office Toposi, District Burdwan and their workmen, which was received by the Central Government on the 2nd August, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 82 OF 1966

PARTIES:

Employers in relation to the Toposi Colliery.

AND

Their Workmen

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri S. S. Mukherjee, Advocate.

On behalf of Workmen—Absent.

AWARD

STATE: West Bengal.

INDUSTRY: Coal Mines.

By Order No. 6/47/65/LRII dated 11th February, 1966, the Central Government referred for adjudication and industrial dispute between the employers in relation to the Toposi Colliery, P.O. Toposi, Dist. Burdwan and their workmen in respect of the matter mentioned in the following schedule:

"Whether the dismissal of Shri Pardeshi Harijan, Pick Miner, by the management of the Toposi Colliery with effect from the 7th January, 1965, was justified? If not, to what relief is the workman entitled?"

2. Pardeshi Harijan was a pick miner at Toposi Colliery and had served there for about three years. According to the management on 22nd December, 1964 during the second shift Pardeshi Harijan had a quarrel with another pick miner, Dilu Chamar, over a tub; Pardeshi forcibly snatched away the tub from Dilu Chamar and assaulted Dilu Chamar in the process; he also disobeyed the order of the Munshi or Tub Checker, Dwarik Mondal to return the tub to Dilu Chamar. Accordingly, Pardeshi Harijan was chargesheeted on 23rd December, 1964. He submitted a reply stating that when he asked for the tub, Dilu Chamar voluntarily gave up the tub and that he neither assaulted Dilu Chamar nor snatched away the tub from him. The management did not consider the reply satisfactory and notified that an enquiry would be held on 28th December, 1964 at 9 a.m. by the Labour Welfare Officer, Shri D. N. Kar. Shri D. N. Kar held the enquiry in the presence of Pardeshi Harijan on the notified date and submitted a report on 30th December, 1964 finding that the charges had been proved against Pardeshi Harijan. Thereupon, after obtaining the approval of the Director, the Manager Shri P. R. Ghose, passed the order of dismissal on 7th January, 1965.

3. The union in its written statement repeated the defence of the workman that he had not committed the misconduct charged and urged that as Pardeshi Harijan was an active member of the Toposi branch of the Colliery Mazdoor Sabha, the management wanted to get rid of him. As regards the enquiry, it was alleged that the workman had not been given opportunity to put his defence properly and therefore there was violation of principles of natural justice. According to the union, the dismissal amounted to victimisation.

4. At the hearing no representative of the union or the workman has appeared. The case was fixed for hearing on 27th February, 1967 but on the prayer of the union that the Vice-President Shri Rabin Chatterjee had not been able to contact the workman the date of hearing was adjourned to 8th May, 1967. On 8th May, 1967 Shri Chatterjee filed a petition for adjournment as the workman concerned could not yet be contacted. Accordingly, the hearing was adjourned to 5th July, 1967. On that day a telegram was received from the union office asking for adjournment on the ground that the Vice-President Shri Chatterjee was under arrest. The case was finally adjourned to 29th July, 1967 and a letter was issued by Registered post to the union office warning the union that no further adjournment would be given. In the circumstances, on 29th July, 1967 no representative of the union or workman having appeared, the case has been taken up *ex-parte*.

5. The management has examined the Inquiring Officer, Shri D. N. Kar, and proved the chargesheet, the reply submitted by Pardeshi Harijan, the notice of inquiry, the proceedings of the inquiry, the report of the Inquiring Officer and the final order of dismissal dated 7th January, 1965. It may be mentioned that the receipt of the chargesheet and the submission of the reply by Pardeshi Harijan and the receipt of the notice of inquiry were admitted by the union in its written

statement and the chargesheet served on Pardeshi as well as the notice received by him together with a copy of the reply submitted by him are in the file of documents submitted by the union. The management has filed a true copy of the order of dismissal, but the original order of dismissal which was served on Pardeshi Harijan is also in the file of documents submitted by the union. As regards the enquiry, it has been stated by Shri D N Kar that 5 witnesses for the management were examined by him, and as the statement of each witness was recorded it was read out and explained in Hindi and Pardeshi Harijan was given the opportunity to cross-examine each witness and that Pardeshi actually cross examined 4 of the witnesses. The proceedings of the inquiry, Ext D, fully corroborates this evidence. Further, Pardeshi Harijan was questioned after the close of the examination of the management's witnesses and he was given the opportunity to set out his defence in full. It appears that in his statement before the Inquiring Officer Pardeshi Harijan partially admitted the charges that he had snatched away the tub from Dilu Chamar. According to his statement at the inquiry when Pardeshi and Dilu were scuffling over the tub a Munshi or Tub Checker happened to come and as Dilu Chamar first told him that he had taken the tub the Munshi Babu wrote Dilu Chamar's name on the tub. But, thereafter when Pardeshi told the Munshi Babu that he should get the tub, Munshi Babu told him to take the tub and so after Munshi Babu went away Pardeshi obstructed Dilu Chamar from taking the tub away and ultimately utilised the tub for filling the coal cut by him. In view of the evidence and partial admission of Pardeshi Harijan the findings of the Inquiring Officer as contained in his report, Ext E must be held to be justified. In any case, there being sufficient evidence in support of the findings the findings cannot be interfered with. After receiving the findings and the proceedings of the inquiry, the manager obtained approval of the Director and then passed the order of dismissal. The order of dismissal must therefore be held justified.

6 Shri D N Kar has admitted that Pardeshi Harijan was a member of the Toposi branch of the Colliery Mazdoor Sabha, but as far as he knew Pardeshi was not a member of the branch committee of the Union at Toposi and did not take part in submitting petitions about the grievances against the management. There is nothing to indicate that proceedings were started against Pardeshi Harijan to victimise him.

7 Accordingly my award is that the dismissal of Pardeshi Harijan, Pick Miner by the management of Toposi Colliery with effect from 7th January 1965 was justified. The workman, therefore is not entitled to any relief.

(Sd) S K SEN

Dated 29th July, 1967

Presiding Officer

[No F 6/47/65-LRII]

S O. 2732—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the East Kajora Colliery of Messrs Jaipuria Kajora Collieries Limited, Post Office Ondal District Burdwan and their workmen, which was received by the Central Government on the 2nd August, 1967

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No 129 OF 1966

PARTIES

Employers in relation to the East Kajora Colliery

AND

Their Workmen

PRESENT

Shri S K Sen—Presiding Officer

APPEARANCES

On behalf of Employers—Shri S S Mukherjee, Advocate

On behalf of Workmen—Shri P R Panda Assistant Secretary, West Bengal
Khan Mozdoor Sangh

STATE West Bengal

INDUSTRY Coal Mines

AWARD

By an Order No. 6/78/66-LRII, dated 17th October, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the East Kajora Colliery of Messrs Jaipuria Kajora Collieries Ltd., P.O. Ondal, District Burdwan and their workmen in respect of the matter mentioned in the following schedule:

"Whether the management of East Kajora Colliery of Messrs Jaipuria Kajora Collieries Limited, Post Office Ondal, District Burdwan were justified in terminating the lien on the appointment of Shri Bhola Rajbhar, Boiler Fireman and placing his name in the Badli list with effect from the 25th May, 1966? If not, to what relief is the workman entitled?"

2. Shri Bhola Rajbhar, Boiler Fireman worked at East Kajora Colliery for a little over three years. Thereafter on his application he was allowed leave from 28th March, 1966 to 28th April, 1966. He did not however join on 29th April, 1966. According to the case of the management, no application for extension of leave was received from Bhola Rajbhar, and the manager on 17th May, 1966 wrote a letter to Bhola Rajbhar by registered post warning him that his absence after expiry of the leave was being treated as unauthorised. Bhola Rajbhar came back and saw the manager on 30th May, 1966. Before that on 25th May, 1966 the manager had already issued another letter to Bhola Rajbhar informing him that his lien had been terminated. When Bhola Rajbhar saw the Manager on 30th May, 1966 the Manager was not satisfied with the reason given by Bhola Rajbhar for over-staying leave by over one month without obtaining an extension order, and issued an order on the same date stating that Bhola Rajbhar had lost his lien and directed him to report to the overman in-charge for badli work. Bhola Rajbhar did not however report for badli work.

3. According to the case of the union, Bhola Rajbhar got ill on 28th April, 1966 and sent an application with a medical certificate for extension of leave; and on receiving the Manager's letter dated 17th May, 1966 on 25th May, 1966, he returned to the colliery arriving there on 28th May, 1966; but the Manager did not agree to allow him to rejoin his job. According to the union, Bhola Rajbhar was an active member of the branch of the West Bengal Khan Mazdoor Sangh at East Kajora and the termination of the lien of the workman was victimisation because of trade union activities.

4. The workman has not come to give evidence. Shri P. R. Panda, Assistant Secretary of the union explaining that the workman is at his village home in Gajipur District being out of work and could not come. On behalf of the management one witness, Shri R. Ramachandran, Group Labour Officer of Jaipuria Kajora Collieries Limited has been examined. He said that the manager of East Kajora Colliery contacted him and told that the workman came back and wanted to rejoin his service on 30th May, 1966 and on that day he went to East Kajora and heard from the Manager that the manager was not satisfied with the reason given by the workman for overstaying his leave by more than one month and the manager then issued the order dated 30th May, 1966 informing the workman that he was being placed on badli list. Ext. C is the order dated 30th May, 1966. Therein there is reference to the previous letters issued by the manager on 17th May, 1966 and 25th May, 1966. In the letter of 25th May, 1966 the manager had informed the workman that he was being placed on the badli list. At that stage it cannot be said that the order was quite justified, because the workman at that stage had not been given any opportunity to explain his unauthorised absence which the manager had to consider. Under paragraph 11 of the Standing Orders of the colliery, a workman overstaying leave shall lose his lien on his service unless he returns within 8 days of the expiry of the leave and gives an explanation to the satisfaction of the manager of his inability to return before the expiry of the leave. This means that the workman must both fail to return within 8 days of the expiry of his leave and fail to give satisfactory explanation. Before he has been given the opportunity to give an explanation his lien cannot be terminated.

5. The defect however was cured in this case, because on 30th May, 1966 the workman appeared and gave an explanation which was considered by the manager and found unsatisfactory and a fresh order was issued, vide Ext. C on 30th May, 1966, informing the workman that his lien on his post was being terminated and that he was being placed on the badli list. This order being in accordance with the Standing Orders cannot be successfully challenged. Shri Panda appearing for the union has urged that the paragraph 12 of the Standing Order provides that any employee who overstates his leave or remains absent without properly

approved leave shall be liable for disciplinary action; and that therefore the management ought to have drawn up chargesheet against the workman concerned before dismissing him. But the management chose to proceed under paragraph 11 and not under paragraph 12; when Standing Orders provide two alternatives, it is open to the management to avail of any one of the alternatives. This was laid down by Supreme Court in the case of *Buckingham and Carnatic Company Ltd. Vs Venkatayya* 1963 II LLJ 638. Accordingly, the management was not compelled to draw up proceedings for dismissal but could merely consider the explanation for the absence and terminate the workman's lien on the post. Shri Panda has also urged that the workman was not actually allowed to work as a badli worker. On this point however there is no evidence. The evidence of Shri Ramachandran is to the contrary namely that the workman did not come for badli work. The company is willing to give the workman a chance to do badli work even now and accordingly I shall add a rider to that effect.

6. My award, therefore, is that the management of East Kajora Colliery was justified in terminating the lien on his appointment of Shri Bhola Rajbhar, Boiler Fireman, and placing his name in the badli list with effect from 30th May, 1966 (and not with effect from 25th May 1966). Even if Bhola Rajbhar has not offered himself for badli work so long, I direct that the company should give him badli work if he offers himself for such work within one month of the publication of the award.

Dated the 28th July, 1967.

Sd/- S. K. SEN,
Presiding Officer.
[No. 6/78/66-LRII.]

New Delhi, the 5th August 1967

S.O. 2733.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Gonshadih Colliery of Messrs Gonshadih Coal Company, Post Office Kusunda, District Dhanbad, and their workmen, which was received by the Central Government on the 29th July, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 40 OF 1967

PARTIES:

Employers in relation to the Gonshadih Colliery of Messrs Gonshadih Coal Company, Post Office Kusunda, Distt. Dhanbad.

AND

Their Workmen.

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer

APPEARANCES:

For the Employers—Shri Taraknath Ghose.

For the Workmen—Shri Lalit Buman, Secretary, Bihar Koyla Mazdoor Sabha.

STATE: Bihar, .

INDUSTRY: Coal.

Dhanbad, dated the 24th July, 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Gonshadih Colliery of Messrs Gonshadih Coal Company, Post Office, Kusunda, District, Dhanbad, and their workmen by its order No. 2/51/65-LRII dated the 31st May, 1965 referred to the Central

Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the management of the Gonshadih Colliery of Messrs Gonshadih Coal Company were justified in stopping Shri Debnarayan Roy, Register Keeper, from work with effect from the 15th March, 1965? If not, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 91 of 1965 on its file. Workmen filed their statement of demands. No statement of demands was filed by the employers. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its Order No. 8/25/67-LRIL dated 8th May, 1967 under Sec. 33(v) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 48 of 1967.

3. The workmen are represented by Shri Lalit Burman, Secretary, Bihar Koyla Mazdoor Sabha and the employers by Shri Taraknath Ghose. The parties have filed a compromise memo stating that the concerned workman, Shri Deb Narayan Roy has received Rs 800/- in cash in complete satisfaction of all his claim against the employers, inclusive of reinstatement. The compromise memo is duly verified. The terms of compromise appears to me reasonable and in the interests of the concerned workman. The compromise, is, therefore, accepted. The award is made in terms of the compromise and submitted under Sec. 15 of the Industrial Disputes Act, 1947. The compromise memo is annexed hereto and made part of the award.

(Sd.) N. VENKATA RAO,
Presiding Officer,

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT. ADDL. INDUSTRIAL TRIBUNAL, DHANBAD.

A.T. REF. No. 48 OF 1967
(CGIT REFERENCE No. 91/65)

PARTIES:

Employers in relation to Gonshadih Colliery.

AND

Their Workmen represented by the Bihar Koyla Mazdoor Sabha. •

The parties above-named most respectfully beg to submit:

1. That an industrial dispute arising out of the termination of service of Sri Debnarayan Roy, has been pending before the Hon'ble Tribunal.

2. That the parties have mutually settled the dispute on the following terms and conditions:

Terms of Settlement

(i) The management of the Gonshadih Colliery agree to pay to Sri Debnarayan Roy, the workman concerned, a sum of Rs 800/- (Rupees eight hundred) only in full and final settlement of all his legal dues and compensation on account of the termination of his services.

(ii) The workman agrees to accept the said amount of Rs. 800/- (Eight hundred) only in full, and final settlement of all his claims, including that of reinstatement, and he shall have no further claim on the management of Gonshadih Colliery.

(iii) The payment of the above amount is to be made immediately on filing of the settlement.

3. That the parties pray that the Hon'ble Tribunal may be pleased to hold that the above settlement is fair and reasonable, and an Award may be passed on the basis of the above settlement.

And for this the petitioners shall pray.

Dated the 18th July, 1967.

For the Workmen:

(Sd.) Illegible,

Secretary,

Bihar Koyla Mazdoor Sabha,
Dhanbad.

For the Employers:

(Sd.) Illegible,

Representative of

M/s. Prabhudayal Mangilal,
Ex-Managing Contractors,
Gonshadih Colliery of
Gonshadih Coal Co.

Witness:

(Sd.) Illegible,

Representative Owner, Gonshadih Colliery.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL DHANBAD.

REFERENCE No. 48 of 1967

Employers in relation to the Gonshadih Colliery of M/s. Gonshadih Coal
Company, Post Office Kusunda, District Dhanbad.

AND

Their Workmen.

List of documents admitted in evidence for the Employers

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Nil	Nil	Nil	Nil	Nil

List of documents admitted in evidence for the workmen

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Prove by
Nil	Nil	Nil	Nil	Nil

(Sd.) N. VENKATA RAO,
Presiding Officer,

Central Govt. Additional Industrial
Tribunal, Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 48 of 1967

Employers in relation to the Gonshadih Colliery of M/s. Gonshadih Coal
Company, Post Office Kusunda, District Dhanbad.

AND

Their Workmen.

List of Witness examined for the Employers

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

List of Witness Examined for the Workmen

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

(Sd.) N. VENKATA RAO,
 Presiding Officer,
 Central Govt. Additional Industrial Tribunal,
 Dhanbad.
 [No. 2/51/65-LRII.]

S.O. 2734.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the matter of application under Section 33A of the said Act from Shri B. N. P. Sinha. Ventilation Assistant, Ramsagar inclines 3 and 4 of Korba Collieries of National Coal Development Corporation Limited, District Bilaspur, which was received by the Central Government on the 25th July, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
 LABOUR COURT, JABALPUR.**

PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

1. COMPLAINT NO. CGIT/LC(1) OF 1966 (JABALPUR TRIBUNAL)
 AND
2. COMPLAINT NO. CGIT/LC(11) OF 1966 (JABALPUR TRIBUNAL)
 (Under Section 33-A of I.D. Act).

PARTIES:

1. Sri B. N. P. Sinha, Ventilation Assistant, Ramsagar Inclines 3 and 4 P.O. Korba Collieries, N.C.D.C. Ltd., Distt., Bilaspur.—*Complainant.*

Versus

2. The Managing Director, N.C.D.C. Ltd., Darbhanga House, Ranchi, Bihar.—*Opp. Party.*

APPEARANCES:

For the complainant—S/Sri Gulab Gupta, General Secretary and the complainant, Sri B. N. P. Sinha.

For the Opp. Party.—Sri R. S. Murty, Group Personnel Officer, N. C. D. C. Ltd.

DISTRICT: Bilaspur (M.P.).

AWARD

These are two cases U/s. 33A, I.D. Act which were initiated by Sri B. N. P. Sinha, Ventilation Assistant in Inclines 3 and 4 of Korba Collieries of the National Coal Development Corporation Ltd., with Head Office at Ranchi. Case No. 1 of 1966 was filed against the Manager, Korba Collieries, Deputy Superintendent of Collieries, Area General Manager of Korba Collieries and the Managing Director N. C. D. C. Ltd., Darbhanga House, Ranchi, on 19th November, 1966. The complaint was that during the pendency of an industrial dispute with this Tribunal, case No. 2 of 66 (89 of 65 of Bombay Tribunal) which relates to the question whether by the introduction of the cadre scheme for the mining subordinate staff in Madhya Pradesh Collieries of N.C.D.C. the incumbents holding the posts of Ventilation Assistant, Overman, Senior Overman, Junior Overman, prior to the introduction of the said scheme have in any way been effected either in status or scale of pay, his conditions of service have been changed inasmuch as the management has been requiring him to write Daily Overmans Report Book, thereby reducing his status. Since the employers were the N.C.D.C. and not the various officers arrayed as parties the complainant was required to amend the application which was done on 5th May, 1967. The opposite parties filed a reply on 7th January, 1967, and after the amendment in the array of parties, the management of the N.C.D.C. adopted the reply which had been filed by their officers as opposite parties.

2. Case No. 11 of 1967 was filed by Sri B. N. P. Sinha on 15th April, 1967 in proper form against the management of N.C.D.C. Ltd. (through the Dy. Supdt. of Collieries of Korba Unit). His grievance is that during the pendency of the aforesaid parent reference (2 of 66 of this Tribunal) regarding the cadre scheme, the management has been pressing the complainant to exercise option in Form I or Form II regarding his conditions of service, he having been originally an employee of the Central Government. This action is also, according to the complainant, contravention of Sec. 33(1) (a).

3. On pleadings of the parties in both the cases certain issues were framed separately. When the hearing commenced on 30th June, 1967, it was found that the parties being the same and questions of law are common for both the cases, it would be convenient to consolidate the two cases together. An order to this effect was passed and after consolidation of the cases evidence was recorded in the leading case which was the earlier case No. 1 of 66. Issues framed in both the cases need not be reproduced and points in controversy arising out of the pleas raised by the opposite party will be considered jointly or separately for both the cases as may be necessary.

4. The first objection raised by the opposite party is that both the complaints do not conform to Rule 59(4) of the Industrial Disputes (Central) Rules, in so far as the complainant has not stated which facts in different paras were in personal knowledge and which other paras were based upon information received and believed to be true. This requirement is actually under Rule 59(3) and not Sub rule (4) of 59. The complainant has declared in the verification that all the paragraphs in both the complaints were true to his knowledge and also upon information received and believed to be true. This is a substantial compliance of the rule and the irregularity, if any, is condoned. There is no merit in the objection which is of a merely technical nature.

5. The next objection which has been rather strenuously pressed is that the complainant is not a workman so as to be entitled to file the complaints under Section 33A. He admittedly is drawing more than Rs. 500 per month as wages. The complainant claimed exemption from the monetary limit prescribed in Section 2(s) of the Industrial Disputes Act on the ground that he is not rendering any supervisory duty and is a technical workman. He is a Ventilation Assistant and has been so far quite a long time, both while he has been in Korba Colliery and also in Kurasia. He has stated that as Ventilation Assistant his duty is to take air measurements himself with the help of a general mazdoor casually given. This measurement has to be rendered by means of an apparatus. Although the actual measurement work is rendered once in a fortnight yet he has to remain busy in keeping the ventilation system in order and remove the defects. There are 20 to 25 such points where air measurements have to be taken. With his designation as Ventilation Assistant and there being no other staff under him he has naturally not to supervise the work of any one else and his duties are consequently not of supervisory nature. The management attempted to press the point that he had also been doing the job of Overman which is essentially supervisory. This is a disputed question. With the designation of Ventilation Assistant his primary duty must have been to keep the ventilation in order, although as admitted by the workman himself he had been doing secondarily job of Overman sometime. Being a technical person and not employed in a supervisory capacity the monetary restriction of Rs. 500 per month laid down in Section 2(s) (4) will not be applicable to him and he shall be deemed to be a workman and competent to move the application.

6. Coming to the merits of the two complaints, in the earlier case No. 1 of 1966 he has complained that by means of two letters dated 20th January, 1966 and 16th April, 1966, the Manager and Dy. Superintendent of Collieries have been compelling him to write Daily Overman's Report which he had not been doing immediately before the date of reference about the cadre scheme namely, 12th October, 1964. In letter dated 20th January, 1966, the Dy. Superintendent of Collieries drew his attention that he had not been writing statutory reports which is against the Mines Rules and Regulations and that he should do so for all the inspections of sites made by him. It appears that the complainant protested and the Manager of the Mines informed him by letter dated 16th April, 1966 that by writing statutory Overman's Daily Report his case will not be prejudiced. The complainant in cross-examination stated that although primarily he was a Ventilation Assistant he had been doing additional duties as a secondary part of his job and such duties were part of Overman's job. This he expressly admitted with regard to his tenure in Kurasia Colliery but he conveniently forgot to state one way or the other with regard to Korba Collieries where he is at present posted. He admitted that when transferred from Kurasia to Korba, he was issued an authorisation to work both as Ventilation Assistant and Overman. He protested on which he was assured that he would be required to work as Overman occasionally and additionally. He further admitted that there was none holding Overman's certificate in Inclines 3 and 4 when he was transferred there. For the opposite party, two witnesses were examined. One was Sri G. S. Atwal, Manager of Inclines 3 and 4 where the complainant has been working. He has specifically stated that the complainant had been required to work as Overman also because the work for a Ventilation Assistant was hardly enough to keep him engaged. The

complainant was also writing Overman's Daily Reports having been the only competent Overman till another qualified Overman came in the middle of 1963. Whenever he went out he gave charge of the mine to the complainant as Manager. Sri K. A. Sinha (E.W. 2) Deputy Superintendent of Collieries corroborated the statement of Sri Atwal. Sri Sinha stated that whenever he went for inspection of mine, the complainant accompanied him along with the manager. He gave instructions to the complainant pertaining to the duties of Overman. The complainant tried to take the advantage of the fact that Overman's Report Books for Inclines 3 & 4 in Korba Collieries have not been filed by the management and it was argued that if the complainant had really be writing the same in the past and before 12th October, '64 the management could have easily produced the same. This undoubtedly is an omission on the part of the management for which no explanation was given in the evidence. But it is of little consequence as there is little cause to doubt the evidence of the two responsible officers of the opposite party namely, the Manager and the Deputy Superintendent of Collieries on this point.

7. Apart from this, I fail to comprehend how by requiring him to write statutory reports for sites inspected by him, his conditions of service either in status or otherwise are in any way prejudicially affected. He had been specifically told in the subsequent communication dated 16th April, 1966 that by so doing his case with regard to parent case No. 2 of 1966 would not be prejudiced as to his right. He has himself admitted that as secondary part of his duty he had been writing Overman's Daily Report. There can be no valid objection in his complying with the order which is on the fact of it innocuous. It appears that under shelter of the cadre scheme case, he wants to shirk work and to remain idle, there being hardly sufficient whole time work for duties pertaining to ventilation. The terms of reference of Case No. 2 of 1966 only require to be determined whether by introduction of that scheme certain categories of mining staff have been adversely affected either in status or in pay. The introduction of the cadre scheme has not been prohibited, rather is implied in terms of reference. Consequently, the grievance of the complainant is wholly irrelevant in the context of the terms of reference of Case No. 2 of 1966.

8. The complaint in the other case No. 11 of 1967 is still more frivolous. The complainant has alleged that he was appointed by the Ministry of Production before the N.C.D.C. Ltd. was incorporated as a company in October, 1956 and is, therefore, governed by Civil Service Rules & Regulations with attendant benefits. The grievance is that now after a lapse of nine years the opposite party on the strength of a letter of the Dy. Secretary, Ministry of Steel and Mines (copy Ext. W. 12) is pressurising him to elect either in Form I or Form II (copy Ex. W/10 and W/11) with regard to the conditions of his service. In the first place the opposite party has not brought about any change in the conditions of service through this letter from the Ministry and according to the complainant himself they are just threatening him. For an intended threat which has not yet been executed there is no breach of Sec. 33 so as to give cause of action for complaint under Sec. 33A. The complainant may have a cause of action, if at all, after threat has been executed, assuming that there is a threat on the part of the opposite party. In the second place, the threat which is contained in the letter of the Ministry of Mines dated 28th August 1965 (copy Ex. W./12) is not of the opposite party but of the Ministry of Steel and Mines for which the opposite party cannot be held responsible. As a matter of fact, the opposite is merely acting as an intermediary in transmitting the correspondence between the Ministry and the complainant as would appear from the various documents filed by the complainant himself. The complaint, therefore, is evidently misconceived.

Result:

The result is that both the complaints forming the subject matter of Cases Nos. 1 of 1966 and 11 of 1967 be and are hereby dismissed. The complainant will pay Rs. 50/- as costs of the proceedings of each case (Rs. 100/- for both cases) to the opposite party.

(Sd.) G. C. AGARWALA,
Presiding Officer.
19-7-67.

S O. 2735.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the matter of application under Section 33A of the said Act from Shri D. K. Palaria, through Shri B. N. P. Sinha, Organising Secretary (Hqrs), M.P.C.W.F., Post Office Korba Colliery, District Bilaspur (Madhya Pradesh) which was received by the Central Government on the 28th July, 1967.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Dated July 18, 1967

PRESENT:

Sri G. C. Agarwala—*Presiding Officer.*

COMPLAINT No. CGIT/LC (3) OF 1967 (JABALPUR TRIBUNAL)

COMPLAINT No. CGIT-19 OF 1966 (BOMBAY TRIBUNAL)

(Under Sec. 33-A of I.D. Act)

PARTIES:

Sri D. K. Palaria, through the authorised representative Sri B. N. P. Sinha, Organising Secretary (Hqrs), M.P.C.W.F., P.O. Korba Colliery, Distt. Bilaspur (M.P.)—*Complainant.*

Vs.

The Management in relation to Korba Colliery of N.C.D.C. P.O. Ranchi, (Bihar) through its Managing Director—*Opp. Party.*

APPEARANCES:

For the complainant—S/Shri Gulab Gupta, General Secretary & B. N. P. Sinha, Organising Secretary of M.P.C.W.F.

For the opp. Party—Sri R. S. Murty, Group Personnel Officer, N.C.D.C.

INDUSTRY: Coal Mine.

DISTRICT: Bilaspur (M.P.).

AWARD

On behalf of one Sri D. K. Palaria a Junior Overman in Korba Colliery of National Coal Development Corporation Sri B. N. P. Sinha, Organising Secretary, M.P. Colliery Workers Federation moved an application under Sec. 33-A before the Central Government Industrial Tribunal, Bombay against the Deputy Superintendent of Collieries, Sri K. A. Sinha, as first party, Area General Manager, Sri N. Chandra as second party and Sri S. T. Raja, Managing Director, N.C.D.C. Ltd. as third party, complaining that the opposite parties by promoting Sri Palaria from the post of Junior Overman as Overman by means of an order dated 10th May, 1966 have contravened the terms of reference of a pending industrial dispute case No. 2 of 1966 of this Tribunal (89 of 1964 of Bombay Tribunal) regarding the introduction of the Cadre Scheme. This application remained pending before the Bombay Tribunal till it was transferred to this Tribunal under a statutory order of transfer passed under Sec. 33-B of I.D. Act by the Ministry of Labour and Employment. It may be noted that the opposite party No. 1 had sent a communication dated 27th September, 1966 to the Bombay Tribunal raising certain objections to the maintainability of the application as also intimating that he would maintain status quo as directed by the said Tribunal by letter No. CGIT/10/66/2201/66, dated 27th August/1st September 1966. Sri B. N. P. Sinha tried to meet the objection about his competency to move the application by means of a communication dated 2nd November, 1966 addressed to the Bombay Tribunal. When the case came up for first hearing before this Tribunal on 15th April, 1967, it was found that the Organising Secretary, Sri B. N. P. Sinha, was not competent to move the application unless authorised by the workman concerned and that the opposite parties were not the employers but only three officers of N.C.D.C. An opportunity for necessary amendment was allowed and this was carried out on 5th May 1967. After the amendment the applicant is now Sri D. K. Palaria himself and the opposite party is the management of the National Coal Development Corporation which has adopted the reply filed on behalf of the three officers on 15th April 1967 before this Tribunal.

The workman concerned, Sri Davendra Kumar Palaria *alias* Dev Chand to be called for brevity's sake as Palaria, was appointed as a Junior Overman in the grade of Rs. 100-155 by means of an order of appointment dated 4th July, 1960 (Ex. W/12). His designation has throughout remained as Junior Overman which is borne out by various documents filed on behalf of the complainant (Exts. W/2

to W/11) a fact which is not disputed also. The management introduced a Cadre Scheme abolishing the designation of a Junior Overman and classifying Overman in two categories as Overman and Senior Overman. The introduction of the Cadre Scheme was objected to by some of the categories of workmen and the M.P.C.W.F. raised a dispute which ultimately resulted in a reference under Section 10(2) of I.D. Act. The said reference is No. 89/64 (Bombay Tribunal) and 2 of 1966 of this Tribunal. The issue under reference is in following terms:

"Whether by the introduction of the cadre scheme for the Mining subordinate staff in the Madhya Pradesh collieries of National Coal Development Corporation Limited the incumbents holding the posts of Ventilation Assistant, Overman, Senior Overman, Junior Overman prior to the introduction of the said scheme have in any way suffered in status or scales and if so, relief?"

It appears that Sri Palaria had been claiming to be fitted as Overman on the introduction of the Cadre Scheme. The management it appeared had not been treating him as Overman at all but only as Mining Sirdar. They denied fitment of Sri Palaria as Overman from the date of introduction of Cadre Scheme and contended that he was not competent and qualified to be Overman. Sri Palaria continued to press the claim and on 25th April 1966 (Ext. E/1) he again applied that having passed the Overmans Examination in January, 1963 he should be made an Overman with effect from 1st August 1962, the date of introduction of the Cadre Scheme. The management consequent upon the recommendation of the Departmental Promotion Committee by an order dated 10th May, 1966 promoted Sri Palaria to the post of Overman in the grade of Rs. 250-380 with effect from 1st May, 1966. In the promotion order he had been described as a Mining Sirdar Grade IV. Another person Sri A. S. Chauhan has similarly been promoted. The grievance of Sri Palaria is that in his case there was no question of promotion as having been a Junior Overman already in accordance with the Cadre Scheme he should have been fitted as Overman right from the very beginning when the Cadre Scheme was introduced from 1st August, 1962. The action of the management in promoting him as Overman by means of an order dated 10th May, 1966 is a contravention of Sec. 33 because of the pendency of an industrial dispute about the cadre scheme itself.

On behalf of the management various objections were raised to the maintainability of the application. The fact that the application could not be moved by the Secretary and against officers of the management becomes redundant after an opportunity was given by this Tribunal for necessary amendment and after the requisite amendments which have been brought about in the array of parties in compliance with my order dated 15th April, 1967. A further technical objection that the application is not in accordance with the Rule 59 of Industrial Disputes (Central) Rules is of no material consequence. The application was presented in Form I and verification was made by Sri Palaria himself. The only objection raised in the matter of verification was that Sri Palaria has not stated what facts were based on his personal knowledge and what on informations received as required by Rule 59(3) of I.D. (Central) Rules. Sri Palaria in the verification has stated that facts contained in the paragraphs were both based on personal knowledge and information received. This is a substantial compliance of the Rule.

The next objection taken by the employers is that Sri Palaria was not a workman as defined in the Act because he was employed in a supervisory capacity and was drawing more than Rs. 500/- as emoluments. The objection seems to have been taken light heartedly because there is nothing on record to show that his wages are more than Rs. 500. The employers only witness Sri K. A. Sinha, Deputy Superintendent of Collieries said nothing about it. This objection, therefore, has no merit.

The next question to be considered is whether by the promotion order dated 10th May, 1966 the conditions of service of Sri Palaria as they existed before the date of reference has been changed so as to attract operation of Sec. 33(1) (a) of the I.D. Act. He is a person connected with the dispute as he claimed to be an Overman and therefore Sec. 33(1) (a) would apply. It is difficult to comprehend how conditions of service have been altered by the promotion order in question. He has been placed in the category of overman for which he had been clamouring from the very beginning. The mere fact that in the promotion order he had been described as a Mining Sirdar before his promotion is of no importance at all. He had all along been enjoying the designation of a Junior Overman as his own documents have shown. Just because in the promotion order he had been described as a Mining Sirdar does not in any way affect the claim either with regard to his status or in emoluments. As a matter of fact, his emoluments have been raised by this promotion order. The parent reference about

the Cadre Scheme only deals with the question whether the introduction of the scheme has in any way affected adversely the incumbents holding the posts of Ventilation Assistant, Overman, Senior Overman and Junior Overman and if so, what relief should be granted. There is no prohibition for the management not to implement the scheme. As a matter of fact, the wordings of the reference would themselves indicate that the scheme has already been implemented. If the complainant has not been properly fitted and the management has been wrongly treating him as Mining Sirdar instead of Junior Overman, that is a wholly different matter and which can be a subject matter of an industrial dispute. The complainant, however, cannot introduce this dispute by means of a complaint under Sec. 33-A of I.D. Act when there has been no breach of Sec. 33 of the Act. The complaint being misconceived is dismissed.

The employers will be entitled to Rs. 50/- as costs of the proceedings from the complainant.

(Sd.) G. C. AGARWALA,

Presiding Officer.
18-7-67.

[No. 1/19/63-LRII-III.]

S.O. 2736.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the matter of application under Section 33A of the said Act from Shri Paul Singh, Senior Overman, Korba Colliery, Post Office Korba Collieries, National Coal Development Corporation Limited, District Bilaspur (Madhya Pradesh) which was received by the Central Government on the 28th July, 1967.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT JABALPUR

Dated July 19, 1967

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

COMPLAINT No. CGIT/LC(A) (10) of 1967
(Under Section 33-A of I.D. Act)

PARTIES:

Sri Paul Singh, Senior Overman, Korba Colliery, P.O. Korba Collieries, N.C.D. Ltd., Distt. Bilaspur (B.P.).—Complainant.

Vs.

The N.C.D.C. Ltd., Unit Korba Colliery, P. O. Korba Collieries, Distt. Bilaspur, (M.P.).—*Opposite Party.*

APPEARANCES:

For the complainant, S/Sri Gulab Gupta, General Secretary, M.P.C.W.F. and Paul Singh, Workman concerned.

For the Opposite Party, Sri R. S. Murty, Group Personnel Officer, N.C.D.C. DISTRICT: BILASPUR (M.P.).

INDUSTRY: Coal Mine.

ORDER/AWARD

This is an application u/s 33-A I.D. Act of Sri Paul Singh who claims to have been throughout a Senior Overman in the Korba Colliery of National Coal Development Corporation Ltd, the opposite party. His grievance is that during the pendency of reference no. CIT/LC (2) of 1966 of this Tribunal which relates to an industrial dispute whether by the introduction of the Cadre Scheme the incumbents holding the posts of Ventilation Assistant, Overman, Senior Overman, Junior Overman, have been adversely affected either in his status or pay, his conditions of service have been changed inasmuch as the word "Senior" has been dropped by the management from his designation as intimated by letter dated 3rd October, 1966 from the Deputy Superintendent of Collieries, Korba. This according to him is a contravention of Sec. 33(1)(a) of the I.D. Act. On behalf of the opposite party two preliminary objections were raised. One was that the complainant is not a workman as he has been drawing wages exceeding Rs. 500 in a supervisory capacity. As such, he was not competent to apply under Sec. 33-A of I.D. Act. The other objection is that the complaint has not been verified in accordance with the Rule 59 of the Industrial Disputes (Central) Rules. On merits, it was contended that the complainant was never a Senior Overman and has all along been

an Overman. There was no question of dropping the word "Senior" from his designation. On these pleadings of the parties the following issues were framed:—

Issues

1. Whether the verification in the complaint is not in accordance with Rule 59 of I.D. (Central) Rules?
2. Is the applicant a "workman" and entitled to apply?
3. Whether by dropping the word "senior" from his designation and designating him as Overman has brought about any change in conditions of service?
4. Was there a breach of Sec. 33 I.D. Act on the part of the employers?

Findings

Issue No. 1.—It was contended that under Rule 59(3) I.D. Act the verification should have indicated which paragraphs of the complaint were in personal knowledge and which were based on informations received and believe to be true. The complainant has verified all the paragraphs to the best of his knowledge and belief and also upon informations received. This is a substantial compliance of the Rule and the complaint for technical irregularity cannot be rejected.

Issue No. 2.—It appears that the basic pay of the complainant in Rs. 300 and he is getting Rs. 110 as D.A. Thus the total remuneration is Rs. 490. This is what was stated by the complainant, Sri Paul Singh, himself and is borne out by the service record (Ex. E/6). He holds a supervisory post inasmuch as he has to supervise the work of his subordinate overman and the entire subordinate mining staff below overman. The total remuneration, however, falls short of Rs. 500 as the opposite party has failed to show how he gets anything extra as part of his remuneration over the basic pay and dearness allowance. It was contended that he was getting some free electricity and water for which questions were put to complainant in cross examination. That is a benefit which is attached to residence and is not connected with his employment. If the complainant has not been residing in the colliery quarter he would not have been entitled to these minor benefits. Apart from this, even assuming that such benefit should be taken into account there is nothing to indicate what would be the money value of the same. The complaint, therefore, is a workman and the objection is untenable.

Issues Nos. 3, 4 & 5.—All these issues may be discussed together. The complainant who is a U.K. trained Supervisor was offered an appointment by the National Coal Development Corporation in August, 1959. The appointment letter dated 30/31st July, 1959 (Ex. E/3) read with letter dated 27th July, 1959 (Ex. E.10) would show that while appointing him on the initial pay of Rs. 245 plus a personal pay of Rs. 60 in the grade of Rs. 150-10-300, he was given the maximum pay of an Overman and was designated as Overman. In the service record (Ex. E.6) his designation is also that of an Overman, in Service Register and salary bills (Ex. E/12, 12/A & 12/B) of the year 1964 to 1967 he has been designated as Overman. At the same time, there is clear indication that having been given the highest start of an Overman he was very often described as Senior Overman in various communication. Ex. W/6 is copy of a shift arrangement for the week ending 5th November, 1960 and in which Sri Paul Singh has been designated as Senior Overman. In another communication dated 19th July, 1961 (Ex. W/9) Sri K. A. Sinha, Manager Inclines 1 & 2, addressed Sri Paul Singh, the complainant, as Senior Overman. Sri Sinha came in evidence for the opposite party and failed to explain how he designated the complainant as Senior Overman. Not only this, Sri Sinha gave two testimonials to the complainant, one dated 28th August, 1961 (Ex. W/5) and another dated 28th August, 1966 (Ex. W/4) in which he testified to the fact that the complainant has been working as a Senior Overman in Korba Collieries since 17th August 1959. The attention of Sri Sinha was drawn to the later testimonial (Ex. W/4) dated 28th August, 1966 but he offered no explanation. Ex. W/10 to W/12 are authorisations in favour of Sri Paul Singh under Clause 36 of Coal Mines Regulation and in which he has been designated as Senior Overman. Sri K. A. Sinha while going out of station sent intimation to the Chief Inspector of Mines and Regional Inspector of Mines on 7th September, 1959 and 8th October, 1959 (copies Exts. W/15 and W/16). In both these communications he was designated as Senior Overman. It appears that Sri Paul Singh in 1962 applied for the post of Ventilation Assistant and the management informed Sri Paul Singh by communication dated 4th December, 1962 that as there was no post of Ventilation Assistant in the revised Cadre Scheme he could not be considered for the same. In this communication also he has been described as Senior Overman. There is another communication (Ex. W/18) in the signature of Sri K. A. Sinha, Manager

whereunder Sri Paul Singh described as Senior Overman was required to attend in connection with domestic enquiry against another employee. Ex. W/20 is another communication dated 19th July, 1961 under the signature of Sri K. A. Sinha wherein Sri Paul Singh is designated as Senior Overman. That even in latter time he had been so designated is clear by a communication dated 4th August, 1964 (Ex. W/25), 23rd June, 1965 (Ex. W/24), 2nd January, 1967 (Ex. W/7) and 5th January, 1967 (Ex. W/8). It may be mentioned that these two latter communications have been addressed to the complainant after he has raised the question about his grade and fitment and the management had turned down his application dated 8th August 1966 by means of a communication dated 3rd October 1966 (Ex. E/2) that he was a Senior Overman.

The management filed a number of Overman Daily Report Books from the year 1962 onwards (Exts. E/17, E/20, E/21, E/22, E/23, E/24 and E/25) in order to show that Sri Paul Singh signs these Overmans Daily Reports without describing him as Senior Overman. There is no question of mentioning his designation below his signature when he had to fill up the Overmans Daily Report. It may be mentioned that when the dispute has arisen from October, 1966 he had added his designation as Senior Overman in Overmans Daily Reports as would appear from Exts. E/18, E/19 and report book of weekly inspection Ex. E/16. (For his application for leave dated 3rd March 1967 (Ex. E/4) in which he mentioned his designation as Overman, only and not Senior Overman, he has given a convincing explanation that the Manager insisted that he would not grant leave unless he mentions his designation as Overman because of the pendency of this case. He had to do it under compulsion. Having been the senior most overman with special qualification and was allowed the highest grade of Overman on first appointment in 1959, it is evident that he has been treated as Senior most Overman and was also designated as such, although in the service records he continued to be recorded as Overman. The Cadre Scheme of the opposite party has introduced a new category of Senior Overman. By dropping the word "senior" from his designation of Overman this will, on the face of it be to his disadvantage. It undoubtedly would affect his status inasmuch as he would be treated at par with his juniors and who did not, till the introduction of Cadre Scheme, have had that nomenclature. There has, therefore, been a breach of Sec. 33(1)(a) of the I.D. Act though a technical one as the dropping of this prefix "Senior" from the nomenclature of Overman will operate to his prejudice.

It would be a different matter whether under the Cadre Scheme he is allowed the grade of senior Overman or not and if he is denied that it can be a subject matter of an industrial dispute. Such an enquiry is outside the scope of Sec. 33A. All that can be said at present is that during the pendency of case No. CIT/LC(2)/66 the opposite party should not have dropped the prefix from the designation of the complainant.

It is, therefore, directed that the complainant shall continue to be designated as Senior Overman. No further direction is necessary. The complainant shall be entitled to Rs. 100/- as costs of the proceedings from the opposite party.

Sd./- G. C. AGARWALA,
Presiding Officer.
19-7-1967.
[No. 1/19/63-LRII-I.]

ORDERS

New Delhi, the 2nd August 1967

S.O 2737.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Messrs Shaw Wallace & Company Limited, Parasia, (District Chhindwara, Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Messrs Shaw Wallace & Company, Limited, Parasia, District Chhindwara, Madhya Pradesh, was justified in stopping Shri Yunus Khan, Chowkdar Parasia head office, from service with effect from the 20th June, 1966? If not, to what relief is the workman entitled?

[No. 5/9/67-LRII.]

S.O. 2738.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Jote Dhemo Colliery, Post Ukhra, District Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the suspension for 8 days of the following workmen with effect from the dates specified against them by the management of Jote Dhemo Colliery, Post Office Ukhra, District Burdwan was justified. If not, to what relief are they entitled:—

Sl. No	Name	Designation	Date of suspension
1.	Shri Ram Naresh Singh	M. Coal Cutter	26-12-66
2.	Shri Ram Murath Singh	Coal Cutter	27-12-66
3.	Shri Paras Nath Panley	Coal Cutter	27-12-66
4.	Shri Ambika Tiwari	M. Coal Cutter	27-12-66
5.	Shri Ramadhir Passy	M. Coal Loader	26-12-66

[No. 6/55/67-LRII.]

S.O. 2739.—Whereas, by the order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. 1/24/67-LRII, dated the 2nd August, 1967 an industrial dispute between the employers in relation to Dutta's Central Kajora Colliery of Messrs Dutta's Kajora Coal Company (Private) Limited, Post Office Kajoram, District Burdwan and their workmen has been referred to the Industrial Tribunal, Calcutta, for adjudication and it is necessary to prohibit the continuance of lock-out in existence in connection with the said dispute;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby prohibits the continuance of the lock-out in existence in connection with the said dispute in the industrial establishment.

[No. 1/24/67-LRII-II.]

S.O. 2740.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dutta's Central Kajora Colliery of Messrs Dutta's Kajora Coal Company (Private) Limited, Post Office Kajoram, District Burdwan and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Dutta's Central Kajora Colliery was justified in locking out the colliery with effect from the 8th July, 1967? If not, to what relief are the workmen entitled?

[No. 1/24/67-LRII-I.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 29th July 1967

S.O. 2741.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the Industrial Dispute between the employers in relation to Messrs. Shri Mankeshwar Mechanical Works, Bombay and their workmen which was received by the Central Government on 26th July, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE No. CGIT 27 of 1966

Employers in relation to Messrs. Shri Mankeshwar Mechanical Works,
Bombay,

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the employers—Shri M. S. Naik, Advocate, instructed by Shri U. N. Triparthi, for Shri Mankeshwar Mechanical Works.

Messrs.

For the workmen—Shri H. K. Sowani, Advocate and Shri S. R. Kulkarni, Secretary, with Shri R. A. Pandit, Assistant Secretary for the Transport and Dock Workers Union.

Dated at Bombay this 21st Day of July, 1967

INDUSTRY: Major Port.

STATE: Maharashtra.

AWARD PART I

The Central Government by the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Order No. 28(5)/66-LR-IV, dated 27th April 1966, was pleased, in exercise of the powers conferred by Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), to refer the industrial dispute between the parties above-named in respect of the subject matter specified to the said order to me for adjudication.

SCHEDULE

Whether the termination of services of (i) Shri Ramdwar Bhulai, (ii) Shri Bansraj Hari Prasad (iii) Shri Bhagwan Bhoja (iv) Shri Vithoba Sandipan (v) Shri Jathashanker Hariharnath Pandey by Messrs. Shri Mankeshwar Mechanical Works, Bombay, was justified? If not to which relief are they entitled?

After the notices were issued and the Company had filed its written statement at the adjourned hearing of this dispute before me on 19th July 1967, after prolonged discussions the parties recorded a Settlement. It is necessary to state that as a result of an arrangement dated 23rd February, 1966, in an earlier dispute between the parties, the first 4 workmen named in this reference viz. (i) Shri Ramdwar Bhulai, (ii) Shri Bansraj Hari Prasad (iii) Shri Bhagwan Bhoja and (iv) Shri Vithoba Sandipan, have been taken back in service of the Company with effect from February 1966. Under the said arrangement they are entitled to continuity of service with full benefit of past service.

The short question involved in this adjudication is the compensation to be paid to them for non-employment during the period 1st July 1965 to February 1966, when they were taken back in service. At the hearing before me, after protracted discussions, it was agreed that each of these 4 workmen named above shall be paid 2 months' wages at the rate of wages which they were entitled to for the month of June 1965, in settlement of the claim for compensation for non-employment during the aforesaid period. It was agreed that the payment would be made by two instalments, the first to be made on 1st October 1967 and the other on 1st December 1967. The parties have requested that I should make an Award Part I in respect of these 4 workmen in terms recorded above. I, therefore, award that each of these 4 workmen shall be paid compensation at the rate

specified and in manner stated above. They shall, of course, be continued in service with benefits of all past services under the arrangements reached on 23rd February 1966. With regard to the 5th Workmen under reference, Shri Jathashanker Hariharnath Pandey, his case stands adjourned to 5th August 1967.

Nor order as to costs.

SALIM M. MERCHANT,
Presiding Officer.
[No. 28(5)/66-LR.IV.]

S.O. 2742.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Hindustan Commercial Bank Ltd. and their workmen which was received by the Central Government on the 26th July, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 15 OF 1967

PARTIES:

Employers in relation to the Hindustan Commercial Bank Ltd.,

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri R. Chakravorty, Agent.

On behalf of Workmen—Shri G. S. Singh.

STATE: West Bengal.

INDUSTRY: Banking.

AWARD

By Order No. 51(71)/66-LR.IV, dated 15th February, 1967 the Central Government referred for adjudication an industrial dispute between the employers in relation to the Hindustan Commercial Bank Ltd. and their workmen in respect of the subject matter specified in the following schedule:

“Whether the management of the Hindustan Commercial Bank Ltd. was justified in terminating the services of Shri Rampratap Singh, Guaranteed Peon with effect from the 5th October, 1966? If not, to what relief is the workman entitled?”

2. At the Burra Bazar branch of the Hindustan Commercial Bank Limited there were two peons guaranteed by an outside treasurer, Shri Mahes Prasad Khattri, with whom the bank has an agreement made in 1944 for supplying and guaranteeing subordinate staff dealing with cash at all branches of the bank, including Cashiers, Sirkars, Munshis, Writers, Peons, etc. The two guarantee peons were Ram Adhar Tiwari and Jagat Pal Singh. Jagat Pal Singh died suddenly of an heart attack on 4th September, 1965. Thereupon the agent of the Burra Bazar branch of the bank wrote to the treasurer for supplying a guarantee peon on a temporary basis. He also wrote to the Head office at Kanpur regarding the mode and terms of appointment of a permanent guarantee peon in place of Jagat Pal Singh. The treasurer at first sent one Shew Ba'ak Singh, but as he was over 55 years of age the agent did not approve of him and asked the treasurer to send another man. Thereupon the treasurer sent Ram Pratap Singh who was appointed on a temporary basis with effect from 11th November, 1965. The Head office at first wanted the agent of the Burra Bazar branch to carry on with one guarantee peon, but on the agent's representation that two guarantee peons were absolutely necessary for doing the work at the Burra Bazar branch, the Head Office ultimately by their letter dated 3rd March, 1966 (Ext. B) agreed to the appointment of a suitable guarantee peon on probation for 6 months. By that letter the Head office directed that the peon appointed should be between 18

and 24 years of age and should produce a medical certificate of fitness and furnish two references from independent respectable persons. On receipt of that letter the agent wrote to the treasurer on 28th March 1966 for recommending and guaranteeing a suitable peon for appointment on probation for 6 months, mentioning the conditions given by the Head office (Ext. 6). The treasurer replied by a letter dated 6th April 1966 (Ext. 7) recommending Ram Pratap Singh. On 6th April Ram Pratap Singh had absented himself. The agent terminated his service with effect from the afternoon of the 5th April and reappointed him on 7th April 1966 on the basis of the fresh nomination and guarantee by the treasurer. No letter of appointment was issued at that stage as the agent was waiting for an application for appointment and medical certificate and references from two independent respectable persons; it appears that Ram Pratap Singh at first was not willing to submit an application for appointment and furnish the medical certificate and references from two respectable persons, alleging that the guarantee from the treasurer was sufficient for appointment. In the meantime, under instructions from the Head office the agent stopped the special allowance of Rs. 10 per month payable to a guarantee peon doing work in the cash department. The instruction of the Head office is contained in letter dated 25th April 1966 (Ext. B1). The agent having reported to the Head office Ram Pratap Singh's unwillingness to submit an application for appointment and to comply with other formalities, the Head office insisted by a letter dated 1st July 1966 (Ext. B2) that Ram Pratap Singh should be required to comply with the formalities if he wanted to be confirmed in his appointment. Ram Pratap Singh ultimately filed an application and furnished the references on 8th August, 1966, although there was some further delay in his filing a medical certificate. In the meantime, the agent requested the Head office to permit payment of the special allowance of Rs. 10 per month to Ram Pratap Singh as he was doing the work of the guarantee peon. By letter dated 26th July, 1966 (Ext. B3) the Head office enquired whether other senior peons working at the Burra Bazar branch would have grudge if a junior peon like Ram Pratap Singh was designated as guarantee peon and paid this special allowance of Rs. 10 per month. The agent replied saying that as Ram Pratap Singh was guaranteed by the treasurer and other peons were not guaranteed by the treasurer, there could be no reason for grudge if Ram Pratap Singh was designated guarantee peon and paid this special allowance. It should be mentioned that the hesitation of the Head office in the matter of confirming Ram Pratap Singh as a guarantee peon eligible for special allowance arose from the representation of a rival union, the Hindustan Commercial Bank Employees' Association. The union which has appeared for the workman before the tribunal, namely the Bengal Bank Employees' Federation, was on the other hand representing from time to time on behalf of Ram Pratap Singh. Apparently the representation of the Hindustan Commercial Bank Employees' Association prevailed for a time with the Head office, and the Head office by a letter dated 30th August 1966 (Ext. B4) wrote to the agent of the Burra Bazar branch that it would not be fair to allow Ram Pratap Singh to work as a guarantee peon and permit him to draw the special allowance by superseding the claims of other senior peons and that, therefore, Ram Pratap Singh should not be permitted to work as guarantee peon any longer, and that the senior most peon at the branch should obtain guarantee from the treasurer so that he might be appointed as guarantee peon in the cash department. The agent thereupon sent the seniormost peon, Narayan Kahar, to the treasurer to obtain the required guarantee but the treasurer refused to give him guarantee. But the Head office by letter dated 6/12th September 1966 (Ext. B5) advised the agent of the Burra Bazar branch that the services of Ram Pratap Singh should be utilised as an ordinary peon, and the seniormost peon of the branch should be designated as the guarantee peon provided he obtained the required guarantee from the treasurer. Beginning from 7th April 1965 when Ram Pratap Singh was appointed afresh by the agent to work as guarantee peon after the treasurer had been asked to recommend somebody as probationer for 6 months, the period of 6 months would expire on 6th October 1966, and in order that he might not claim confirmation with effect from that day, the Head office at Kanpur on 4th October 1966 sent a telegram to the agent, Burra Bazar branch, asking that the services of Ram Pratap Singh be terminated and that the seniormost peon of all the Calcutta branches of the bank be appointed guarantee peon subject to the treasurer's guarantee, *vide* Ext. C and confirmation copy, Ext. C1. The telegram was received by the agent on 5th October 1966 in the morning. On that day Ram Pratap Singh had gone to Reserve Bank with a cashier Sri Mishra and a gunman to draw cash from the Reserve Bank; from the Reserve Bank he went away telling Shri Mishra that he was feeling ill. Next day, 6th October, he sent an application addressed to the agent stating that he was ill and asked for leave for two days. He again sent an application for extension of leave on the 8th October. 9th October was a Sunday and on 10th October Ram Pratap Singh reported for duty again. On 5th

October 1966 on receipt of the order from the Head office, the agent had issued an order terminating the service of Ram Pratap Singh with effect from the afternoon of that day. He sent that order to Ram Pratap Singh's reported address at Calcutta but Ram Pratap Singh was not found at home. Ram Pratap's explanation in this connection is that he was ill and as nobody was at his reported address to look after him, he went to the house of the other guarantee peon, Ram Adhar Tiwari. The agent in order to intimate the order of termination of service to Ram Pratap, sent a copy of that order by registered post to his Calcutta address and another copy to his home address. Thereafter the Bengal Bank Employees' Federation telephoned to the agent that if Ram Pratap Singh's service was terminated in that manner there would be unrest by the employees and that the agent should take steps to continue Ram Pratap Singh in his service. The agent accordingly phoned to the Head Office at Kanpur and obtained permission to re-appoint Ram Pratap Singh on a temporary basis. Accordingly when Ram Pratap Singh reported for duty on the 10th October, 1966 he was given a letter of fresh appointment with effect from 10th October 1966 as a temporary peon for the cash department. He did not receive wages for 4 days from 6th to 9th October 1966. The Bengal Bank Employees' Federation was not satisfied with such reappointment and raised a dispute over Ram Pratap's confirmation as a guarantee peon. There being no amicable settlement before the Conciliation Officer, the dispute has been referred to adjudication.

3. The union has claimed in its written statement that since Ram Pratap Singh was working in the place of a permanent guarantee peon, Jagat Pal Singh, from 11th November 1965, he should be treated as having been appointed on probation on that day and should therefore be confirmed from 6 months thereafter i.e. from 11th May 1966 and should be allowed leave wage for the 4 days from 6th to 9th October 1966, the order termination of his service from 5th October 1966 being cancelled, and should also be allowed wages for the 6th April 1966, and be treated as in continuous service between 5th and 7th April 1966. There is an alternative claim that under the provision of paragraph 10 of Chapter 20 of the bipartite settlement between the Bankers' Association and the Bank Employees' Association dated 19th October, 1966 Ram Pratap Singh should, in any case, be confirmed from 19th October 1966.

4. On behalf of the employers it has been pointed out that the reference order does not cover the question of termination of service on 5th April 1966 and only raises the question of termination of service from 5th October, 1966 and that therefore the fresh appointment from 7th April 1966 after the gap of 6th April cannot be challenged by the union. In the written statement by the employers it has also been urged that Ram Pratap Singh was always treated as working on a temporary basis and that therefore he cannot be considered as a probationer even from 7th April 1966 and as he was always working on a temporary basis, his service was terminable without notice at any time, and therefore the Bank's action in terminating the service from 6th October, 1966 was quite legal. As regards the special allowance, the bank's case is that Ram Pratap Singh had been asked not to work as a hundi presenter and the head cashier also had been asked not to give him the work of hundi presenter or to ask him to deal with cash even though working in the cashier's department, and therefore Ram Pratap Singh is not entitled to special allowance as a guarantee peon.

5. As regards the first contention on behalf of the bank, namely that the union is not entitled to challenge the termination of temporary service on 5th April 1966 and fresh appointment on 7th April 1966, that contention is sound and must be accepted in view of the terms of reference. Shri G. S. Singh appearing on behalf of the union has admitted at the time of arguments that originally the treasurer was asked by the agent of the Burra Bazar branch to furnish a guarantee peon to work on a temporary basis. It is thus conceded that the first appointment from 11th November 1966 was on temporary basis. Shri G. S. Singh has however urged strenuously that the appointment from 7th April 1966 must be deemed to be the appointment as a probationer i.e. on permanent footing. In this connection Shri G. S. Singh has referred to the Head Office letter of 3rd March 1966, Ext. B, sanctioning the appointment of a guarantee peon on permanent basis on probation for 6 months, the letter of the agent, Ext. 6 dated 28th March 1966 to the treasurer by which he asked for nomination for a guarantee peon for appointment on probation, and the letter of the treasurer dated 6th April 1966, Ext. 7, nominating Ram Pratap Singh for the purpose or rather reaffirming the nomination and guarantee of Ram Pratap Singh. No letter of appointment as a probationer was then issued only because Ram Pratap Singh delayed in filing an application for appointment in the prescribed form and furnishing two references and producing a medical certificate. It is clear that from the letter of the Head

Office dated 3rd March 1966 (Ext. B) if Ram Pratap Singh had complied with the formalities as soon as he was appointed, there would have been no difficulty in his getting an appointment letter as a probationer, because the Head Office had asked the agent by that letter to send a copy of the appointment letter issued to the person thus appointed i.e. on probation after complying with the formalities. As stated before, Ram Pratap Singh delayed until 8th August 1966 before he submitted the application and references and until the beginning of September, 1966 before he filed the medical certificate of fitness. In the meantime, the other union had been moving the Head Office and therefore the Head Office had the idea of appointing the senior-most peon in service as a guarantee peon provided he obtained the necessary guarantee from the treasurer. The senior most peon of the Burra Bazar branch however failed to obtain necessary guarantee from the treasurer. The agent had admitted in his deposition before the tribunal that on no previous occasion was the treasurer asked to guarantee the senior most peon already in service of the bank. The procedure was that the treasurer used his discretion in recommending and guaranteeing a peon for the job of the guarantee peon who is also known as the Hundi Presenter because he present hundies and collects cash thereon from the constituents of the bank; the present designation is bill collector. A copy of the memorandum of settlement between the bank managements and their workmen made on 19th October 1966 has been produced before me. It appears from Chapter XVI paragraph 13 of the memorandum of settlement that the banks agreed that the system of outside contractor treasurer guaranteeing the cash department employees should gradually be abolished, giving the bank authorities a free hand to appoint at their discretion the cashiers and peons of the cash department after taking necessary security from them. When this system is introduced, naturally the senior most peon if considered suitable and able to furnish the required security would have claim for appointment as Hundi Presenter or Bill Collector of the cash department. But the system of outside contractor treasurer guaranteeing the cash department employees has not yet been abolished so far as the Hindustan Commercial Bank Limited is concerned. Accordingly, the old practice of appointing the nominees of the treasurer guaranteed by him must be deemed to continue. The appointment of Ram Pratap Singh as guaranteed peon with effect from 7th April 1966 was made after the Head office had sanctioned the appointment of a guaranteed peon on a permanent footing on probation for 6 months and the treasurer had been asked to submit the name of a nominee for a guaranteed peon for such appointment. Accordingly, the appointment of Ram Pratap Singh with effect from 7th April 1966 must be regarded as appointment on probation. The fact that Ram Pratap Singh delayed in complying with the formalities required i.e. furnishing the application for appointment in the prescribed form and references from two respectable persons and the medical certificate cannot really stand in the way of his being regarded as appointed on probation from 7th April, 1966.

6. It follows that the bank authorities were not justified in terminating the service of Ram Pratap Singh with effect from 5th October 1966 and reappointing him on a temporary basis from 10th October 1966. The agent has admitted that he got the application for leave and the application for extension of leave for 6th to 8th October 1966 from Ram Pratap Singh and therefore Ram Pratap Singh should be treated as on such leave as may be due to him for the period from 6th to 8th October with permission to affix Sunday the 9th October 1966. As regards the eligibility for the special allowance as guaranteed peon, it has appeared from the evidence of Shri Sharma, who was working as the Head Cashier of Burra Bazar branch at the relevant time that though the agent had asked him to stop sending Ram Pratap Singh with hundis to constituents and also asked him not to send Ram Pratap Singh to the Reserve Bank for drawing cash for the bank, the chief cashier continued to do so, in the interest of the bank as he put it, as it was not possible to complete the work in the cash department with one guaranteed peon only. Shri G. S. Singh on behalf of the union has referred to Chapter V, paragraph 8 of the memorandum of settlement dated 19th October 1966, which provides that a workman becomes entitled to a special allowance of the post if he is required to perform the duty and undertake responsibility listed against the category irrespective of the designation given to him by the authorities. The duties of a Bill Collector which is the present designation of a guaranteed peon are mentioned at page 70 of the memorandum of settlement. The duties consist of (i) obtaining acceptance of bills of exchange, hundies, etc. drawn on local parties or banks and/or collecting payments thereon; (ii) collecting payments for cheques or Postal Orders, etc. from banks or Post office counters, and they may also be required to collect cash not exceeding Rs. 600/- at a time against various instruments. It appears from the evidence of Shri Sharma that in spite of the order of the agent he was allotting such duties to Ram Pratap Singh. It follows, therefore, that Ram Pratap Singh was doing the duties of a

guaranteed peon or a Bill Collector from 7th April, 1966 and he is, therefore, entitled to the allowance for the post from 7th April 1966 at Rs. 10/- per month increased to Rs. 13/- per month from 1st July 1966 *vide* Chapter XXII paragraph 2 of the memorandum of settlement.

7. My award, therefore, is that the management of the Hindustan Commercial Bank Limited was not justified in terminating the services of Shri Ram Pratap Singh, Guaranteed Peon with effect from 5th October, 1966 and therefore he should be treated as on such leave as admissible to him from 5th to 8th October 1966 with permission to affix Sunday the 9th October 1966 to such leave, and to continue in his service as a Probationer Guaranteed Peon until 6th October 1966 and to be treated as confirmed in that post with effect from 7th October 1966, and he should also be paid the special allowance for the purpose at Rs. 10/- per month from 7th April 1966 and at the rate of Rs. 13/- per month from 1st July, 1966.

Sd. S. K. SEN,
Presiding Officer.

[No. 51(71)/66-LRIV]

Dated, the 24th July, 1967

S.O. 2743.—In pursuance of the section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Calcutta Licensed Measurers, Calcutta and their workmen which was received by the Central Government on 26th July, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 125 OF 1966

PARTIES:

Employers in relation to the Calcutta Licensed Measurers, Calcutta.

AND

Their Workmen.

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri D. Basu Thakur, Legal Adviser, Bengal Chamber of Commerce and Industry.

On behalf of Workmen—Shri P. K. Ganguli for National Union of Dockers. Shri Ramen Banerjee, Advocate, for Calcutta Port and Dock Workers Union.

STATE: West Bengal.

AWARD

By Order No. 28(44)/66-LRIV dated 28th September 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Calcutta Licensed Measurers, Calcutta and their workmen in respect of the matter mentioned in the following schedule:

"Whether, having regard to the nature of work performed by Measuring Porters, Reserve Workers, Gearmen, Peons and Drivers employed by the Calcutta Licensed Measurers, they are entitled to interim relief and/or D.A. in accordance with the recommendations of the Central Wage Board for Port and Dock Workers at Major Ports and if so, from what date?"

2. The principal business of the Calcutta Licensed Measurers is to measure (by volume) or weigh such consignments of cargo exported from Calcutta Port as they are asked by the shipping companies to do. They also do work outside the port area, e.g. reweighment of bales of jute in jute mills and verification of stock in bank's godowns or other godowns in respect of goods hypothecated to the bank. They also provide lorry weigh bridge facilities to any one requiring the same. According to the evidence of the only witness examined for the company, namely Col. A. K. Bose, Superintendent of Calcutta Licensed Measurers, the business in the port area constitutes 75 to 80 percent of the total business of the company. Originally the work used to be done by a department of Bengal Chamber of Commerce and Industry, the Licensed Measurers Department and the corresponding department of Indian Chamber of Commerce. These two departments were amalgamated to form the company Calcutta Licensed Measurers.

3. The Ministry of Labour and Employment, Government of India by Resolution No. WB-21(4)/64 dated 13th November 1964 constituted a Central Wage Board

for Port and Dock Workers at major ports. Among the terms of reference of the Board is included determination of the categories of employees who should be brought within the scope of the proposed wage fixation, the term 'employees' being defined in the Government Resolution as follows:

- (i) persons employed by the major port authorities;
- (ii) dock workers as defined under the Dock Workers (Regulation of Employment) Act, 1948;
- (iii) the employees engaged by the Dock Labour Boards and their administrative bodies; and
- (iv) employees engaged by the listed employers.

The Board was also required by the resolution to submit recommendations in respect of the interim relief pending submission of the final report. The Wage Board made recommendations for interim relief on 9th April 1965. By paragraph IV of the memorandum containing the recommendations, the Wage Board recommended that all categories of employees mentioned in clause I should be paid an interim relief of Rs. 7.80 per month with effect from 1st February, 1965. In paragraph II the Wage Board provided that all categories of employees mentioned in clause I who were getting dearness allowance at Government rates would continue to get such dearness allowance. By paragraph III (A) the Board recommended that categories of employees not being paid dearness allowance should be paid dearness allowance with effect from 1st October, 1964 at the rates prescribed in that paragraph. A provision was also made in that paragraph in respect of employees receiving dearness allowance under a different scheme not equal to Government rates of dearness allowance. In paragraph I the Board described the categories of employees to whom the recommendation should be applicable. The Board gave detailed description of the categories mentioned in the definition of employees in resolution of the Government of India. Thus in respect of item (ii) relating to dock workers, the Wage Board mentioned the following categories of employees:

1. Employees covered under the schedules of the Dock Workers (Regulation of Employment) Scheme relating to the major ports of Bombay, Calcutta, Madras, Cochin and Vishakhapatnam
2. Employees covered by Unregistered Dock Workers (Regulation of Employment) Scheme at the ports of Bombay, Calcutta and Madras.
3. Similar categories of employees as covered under item 1 at the ports of Kandla and Murmagoa.
4. Similar categories of employees covered under item 2 at the ports of Cochin, Vishakhapatnam, Kandla and Murmagoa.
5. Similar categories of employees as in items 1 and 2 at all major ports, whether they are covered by the Schemes or not.

In addition to the 4 items mentioned in the definition of employees in the Government resolution, the Wage Board added a 5th item as follows:—

E. Employees of Employers, other than Port Authorities, Dock Labour Board Administrative Bodies, Listed Employers and Registered Employers.

1. Ore employees at dumps or depots.
2. Employees engaged for handling cargoes in ware houses and transit sheds.
3. Crew of boats, lighters and barges wholly engaged in the docks and steamer whose work is connected with loading and unloading of vessels and other processes of dock and port work.
4. Employees engaged in loading and unloading all cargoes (including tea chests) in the dock areas from river, crafts, vessels, boats trucks, etc.
5. Employees who come within the definition of "dock workers" under the Dock Workers (Regulation of Employment) Act, 1948.

The Government of India, Ministry of Labour and Employment by resolution No. WB-21(13)/65 dated 27th April 1965 accepted the recommendations of the Wage Board and requested the concerned employers to implement the same as early as possible.

4. On the publication of the Government resolution, the employees of the Calcutta Licensed Measurers belonging to the categories of Measuring Porters Reserve Workers, Gearmen, Peons and Drivers represented by two unions, the National Union of Dockers and the Calcutta Port and Dock Workers Union, claimed that the recommendation as to interim relief of Rs. 7.80 be given effect to by the company. They did not claim any dearness allowance as recommended by the Wage Board because already they were being paid dearness allowance under a scheme linked with the cost of living index and revised from time to time with every rise or fall in price index i.e. on a scale much in excess of the Government or India scale of dearness allowance. The company did not accept the claim for payment of interim relief of Rs. 7.80 per month, and the union, therefore, raised a dispute before the Regional Labour Commissioner, Central, Calcutta. There was no settlement before the R.L.C.(C), Calcutta and accordingly the dispute has been referred for adjudication. In their written statement the two unions have contended that the contention of the employers that the workmen are not dock workers within the meaning of Dock Workers (Regulation of Employment) Act, 1948 is derived from a narrow appreciation of the definition, and that this interpretation of the term 'dock workers' is against the principle of social justice in as much as such interpretation would deprive the workmen of the relief intended to be given by the Government. According to the unions, the classes of employees entitled to the relief recommended by the Wage Board have been widened by the revised categorisation adopted by the Wage Board, and clause E sub-clause (3) of the Wage Board recommendations would cover the measuring porters and other employees of the company, as they work chiefly in the dock area of the Calcutta port.

5. The employers in their written statement stated that by an agreement with the representatives of both the unions the employers revised the pay scales of the workmen with effect from 1st September 1964, the terms of the agreement being contained in a memorandum of settlement dated 1st October 1964, and by the terms of agreement both the unions agreed not to raise further demand on matters as contained in their charter of demands during the currency of the agreement. The period of currency was mentioned as five years from the date of the agreement, 1st October, 1964. According to the employers, in view of the agreement which has not been terminated by a notice under Sec. 19 of the Industrial Disputes Act or otherwise, the unions are not entitled to raise a demand for payment of additional sum of Rs. 7.80 to the employees. Further, the employers are paying dearness allowance linked with the cost of living index and revised from time to time on every rise or fall of such index on the principles adopted by the Bengal Chamber of Commerce and Industry, and apart from the dearness allowance they are also paying house rent allowance of Rs. 10 to a married workman and Rs. 5 to an unmarried workman and a City compensatory allowance of Rs. 5 per month. Accordingly it is not correct that the spirit of social justice would be frustrated if the recommendation of the Wage Board for interim relief be not implemented in respect of the workmen who are already well paid in the categories to which they belong. Finally, the employers have stated that financial condition of the company is stringent and they are exploring various avenues for achieving economy in order to cut down their loss and that in the circumstances they could not accept the burden of paying their numerous employees and additional sum of Rs. 7.80 per month. The sum payable would really come to Rs. 11.80 per month because in October 1966 the Wage Board recommended a second interim relief of Rs. 4 per month and that recommendation was also accepted by the Government of India by Resolution No. WB-21(14)/66 dated 15th October 1966. However, the second interim relief is not within the scope of this reference which was made on 28th September 1966, i.e. before the recommendation for the second interim relief was accepted by the Government of India. We are, therefore, chiefly concerned with the recommendation for the first interim relief amounting to Rs. 7.80.

6. On behalf of the management Shri Basu Thakur has urged two preliminary objections, firstly that the Central Government was not the appropriate Government to refer the dispute to adjudication, and secondly that in view of the tripartite settlement dated 1st October 1964 which was not terminated the unions were not entitled to raise the dispute. As regards the first preliminary objection, this was not taken in the written statement of the employers. Shri Basu Thakur has urged that an objection on a point of law, particular on a point of jurisdiction, may be raised even if the objection was not taken in the written statement. He has referred to a decision of the Kutch High Court, B. K. Pillai Vs. Burmah Shell, AIR 1956 Kutch 9, where it was held that though the Burmah Shell Company had an office within the Kandla Port area, a dispute between the Burmah Shell Company and their workmen was not a dispute concerning a major port and therefore the appropriate Government was the State Government and not the Central

Government. But the Calcutta Licensed Measurers appear to have been submitting to the jurisdiction of the Central Government in respect of their disputes with the workmen. The memorandums of settlement produced in the case were all made before the Conciliation Officer or Assistant Labour Commissioner of the Government of India. Thus the agreement of 1st October 1964 on which the management has relied was entered into before Shri N. K. Banerjee, Conciliation Officer, Central, Calcutta. Two other agreements were proved in the case, viz., Ext. 1 dated 9th June 1967 between the company and the workmen represented by the unions, entered into before Shri N. K. Chaddha, Regional Labour Commissioner, Central, Calcutta, and Ext. B dated 27th August 1965, signed before Shri N. K. Banerjee A.L.C. Central, Calcutta. It has already been mentioned that 75 to 80 percent of the business of the company is done within the Calcutta port area. As the business is done chiefly within the Calcutta port and the workmen chiefly work in the Calcutta port area and company also has a dock office in the Kidderpore Dock, it may be held that the dispute between the company and their workmen is a dispute concerning a major port and therefore the Central Government is the appropriate Government to refer the dispute to adjudication.

7. As regards the second preliminary objection, the tripartite settlement of 1st October 1964 is Ext. A. Clause 8 of the agreement provides that the agreement would be in force for 5 years from the date of agreement and by clause 5 the unions agree not to raise demands mentioned in the charter of demand during the currency of the agreement. On behalf of the unions it has been urged that they were not raising a demand mentioned in the charter of demands but they were raising a demand which could not have been contained in the charter of demands, because the Government resolution adopting the recommendation of the Wage Board for the interim relief of Rs. 7.80 is dated 27th April 1965, i.e. long after the charter of demands were submitted and even long after this particular agreement was entered into. Shri Basu Thakur has urged that in substance the union agreed not to ask for additional monetary relief within the period of 5 years but they are now asking for the additional monetary relief of Rs. 7.80 per month for each workman. I must however accept the unions' contention that since the demand for giving effect to the recommendation for interim relief was a demand which could not have been taken in the charter of demands originally submitted to the company on the basis of which the agreement of 1st October 1964 was entered into, the unions are not debarred by the agreement from raising the dispute for the implementation of the recommendation for interim relief. This second preliminary objection also must fail.

8. The main question is whether the workers concerned, namely the Measuring porters, Reserve workers, Gearmen, Peon and the drivers employed by the Calcutta Licensed Measurers are workers to whom the recommendation for interim relief applies. Of the different categories of workers mentioned in the reference order, only one Measuring porter has deposed before the tribunal as PW 2-Nashibullah. No workman from other categories has come as a witness. From the evidence of PW 2 Nashibullah it appears that measuring porters work chiefly within the port area. He said that he has to report first to the company's dock office where he gets the orders for the day; and that the work of the measuring porters consists of carrying sample bales of jute or chests of tea or other parcels meant for export, for measuring or weighing by the company's officers, and carrying the sample cargo back again to the place where it was stacked. They do not take part in loading the ship, that work being done by the porters of the Port Commissioners and by the porters of Dock Labour Board. The witness admitted that the company occasionally has work in jute mills away from the port area. According to his evidence, gearmen take the required gear for measurement and weighment by lorry to the jute mill and the measuring porters are not usually taken for that purpose, although previously they used to be taken. From the evidence of PW1. Dev Kumar Ganguly, Jt. Secretary of the Calcutta Port and Dock Workers Union, it appears that the drivers are either lorry drivers or car drivers; the lorry drivers are required to transport necessary gear from the company's godown to the appropriate dock or berth where the cargo is to be measured or weighed and to take the gear back again to the company's godown after the day's work is done, and the car drivers drive the cars allotted to the company's officers. The peons carry letters and messages from the officers' residences to the office or to the dock area and vice-versa as required. It would appear therefore that most of the work of measuring porters is done within the port area but the work of gearmen and peons and drivers is done only partly within the port area. As regards reserve workers no evidence has

come as to what they are supposed to do. Shri Basu Thakur has urged that clearly the gearmen and the peons and the drivers are not dock workers, and that even the measuring porters though they do most of their work within port area are not dock workers as defined in Section 2 clause (b) of the Dock Workers (Regulation of Employment) Act, 1948. The definition is as follows—"Dock worker means a person employed or to be employed in, or in the vicinity of, any port, on work in connection with the loading, unloading, movement or storage of cargo, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargo or leaving port". The measuring porters do not work in connection with loading and unloading of cargoes. Far from doing any loading and unloading of cargoes the work of the measuring porters and the officers of the Calcutta Licensed Measurers delays the process of loading, as explained by Col. A. K. Bose, examined for the management, particularly when the cargo is in the process of loading. At that stage under the direction of Officer the measuring porters take certain sample parcels to the weighing machine or to the measuring gear and after the weight or the measurement has been recorded they take the parcels back again giving them in charge of the porters who do the actual loading, and this process necessarily hampers the process of loading whether the measurement or weighment is done in sheds or on board the ship. Further, according to the evidence of Col. A. K. Bose all the cargo that is exported from Calcutta Port is not measured. It is only such consignments as the shipping companies require to be weighed or measured that are weighed and measured by the Calcutta Licensed Measurers, and the shipping agents pay the company for their work. There are many classes of cargo which are not weighed or measured at all. This was admitted by PW1-Dev Kumar Ganguly, who stated that the Calcutta Licensed Measurers do not measure or weigh consignments of machinery or ore or coal. When the company does measure or weigh the cargo, certificate of measurement and weightment is given to the shipping agent, and the company's measurement or weightment is accepted when there is a dispute as to the weight or measurement; but the company's certificate as to weight or measurement is not necessary to enable a ship to sail with the cargo meant for export. In the circumstances, it must be held that though the measuring porters may move certain cargo within the port area that movement is not such movement as is mentioned in the definition of dock worker under Sec. 2(b) of the Dock Workers (Regulation of Employment) Act, 1948, for the movement is not in connection with the loading or unloading or storage of cargoes but merely movement for the purpose of measuring or weighing. Necessarily the measuring porters and other categories of workers under the Calcutta Licensed Measurers have no work in connection with the preparation of ships and vessels for the receipt or discharge of cargo or leaving the port. The Chipping and Painting workers employed by listed contractors do some work in connection with the preparation of ships for receipt of cargo and for leaving the port, but the measuring porters do not do any such work. I must come to the conclusion therefore that measuring porter though he may work chiefly within the dock area is not a dock worker as defined under Sec. 2(b) of the Dock Workers (Regulation of Employment) Act, 1948.

9. On behalf of the union Shri Ramen Banerjee and Shri P. K. Ganguly have urged that in the Government resolution constituting the Wage Board for Port and Dock Workers, the definition of employees included as item (ii) dock workers as defined in the Dock Workers (Regulation of Employment) Act, 1948, but that the memorandum of the Wage Board containing the recommendations has included certain other categories of workers as workers entitled to the interim relief recommended by the Wage Board, these persons being mentioned in clause E of the Wage Board's memorandum, Shri Banerjee and Shri Ganguly have relied particularly on sub-clause (5) of clause E, which reads "employees who come within the definition of 'dock worker' under the Dock Workers (Regulation of Employment) Act, 1948". I cannot however accept the argument that thereby the Wage Board has widened the range of workers covered by the term 'employees'. Even in clause E sub-clause (5), the main criterion is whether the employees come within the definition of "dock worker" as defined in the Dock Workers (Regulation of Employment) Act, 1948 but who do not fall in any one of the 3 categories in clause B, should not be denied the benefit of the interim allowance and dearness allowance where admissible. But unless the worker specified comes within the definition of a dock worker under Sec. 2(b) of the Act, he is certainly not entitled to the benefit of the recommendations made by the Wage Board.

10. It has been urged on behalf of the unions that even apart from the question whether the Central Wage Board has extended the meaning of the term 'employees' and the term "dock workers", in view of the terms of reference relief can be given to the employees of Calcutta Licensed Measurers even if they do not come strictly within the definition of a dock worker as contained in Sec. 2(b) of the Act of 1948; for the reference order merely propounds the question whether having regard to the nature of their work the Measuring porters, etc. are entitled to interim relief and/or D.A. in accordance with the recommendation of the Central Wage Board for Port and Dock Workers. It is true that the reference has been made in wide terms, but it can never be accepted that it was contemplated that the workmen should be given relief even if they are not port workers or dock workers as defined in the Government resolution constituting the Central Wage Board, which resolution alone gives the jurisdiction to the Central Wage Board to make the recommendations for interim relief.

11. On behalf of the unions the argument has been advanced that the principles of social justice require that there should be a liberal interpretation made as to the categories of workers entitled to the interim relief, because it is the declared policy of the Central Government to better the condition of the industrial workers. So far as the workers under the Calcutta Licensed Measurers are concerned, it appears to me that they are well paid, for they receive dearness allowance on a scale linked with the cost of living index, similar to a scheme of dearness allowance adopted by the Bengal Chamber of Commerce and Industry, and in addition they are also given house rent allowance and City compensatory allowance. Moreover, the financial condition of the company is not too good at the present time. From the evidence of Col. A. K. Bose, it appeared that for the year 1965-66 the company made a loss of Rs. 2,05,000/-. I do not, therefore, think that principles of social justice require that the benefit of the recommendation for interim relief, of Rs. 7.80 should be extended to the various categories of workers employed by the Calcutta Licensed Measurers. It should be mentioned that no claim for D.A. as recommended by the Central Wage Board has been made by the two unions, because the dearness allowance which is being paid to the workers is substantially in excess of the figure recommended by the Central Wage Board and also the amount paid as D.A. by Government to the employees of similar categories.

12. My award, therefore, is that the Measuring Porters, Reserve Workers, Gearmen, Peons and Drivers employed by the Calcutta Licensed Measurers are not entitled to interim relief and/or D.A. in accordance with the recommendations of the Central Wage Board for Port and Dock Workers at Major Ports.

Dated, 21st July 1967.

(Sd.) S. K. SEN,
Presiding Officer.

[No. 28(44)/67-LR.III.]

New Delhi, the 31st July 1967

S.O. 2744.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the Industrial dispute between the employers in relation to the Calcutta Port Commissioners and their workmen which was received by the Central Government on the 27th July, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE NO. 134 OF 1966

PARTIES:

Employers in relation to the Calcutta Port Commissioners,

AND

Their Workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri G. V. Karlekar, Chief Labour Officer.

Shri M. Chatterjee for Calcutta Port Shramik Union.

STATE: West Bengal.

INDUSTRY: Port.

AWARD

By Order No. 28(24)/66-LRIV dated 20th October, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Calcutta Port Commissioners, Calcutta and their workmen in respect of the matter mentioned in the following schedule:

"Whether the demand of the temporary waymen working in the Port Development (Temporary Permanent Way Section) of the Calcutta Port Commissioners for absorption in the five Permanent Way Maintenance Sections on the basis of common seniority of all temporary waymen serving under the Commissioners, whether in the Port Development side (Temporary Permanent Way Section) or in any of the five Permanent Way Maintenance Sections on the maintenance side of the Port Commissioners, be conceded from 31st December 1964 or 18th July 1965?"

2. The Calcutta Port Commissioners own over 200 miles of Port Commissioners' Railways, and for maintenance of the permanent way or the railway tracks, there are 5 permanent maintenance units into which the railway system is divided, viz. (i) Kidderpore Dock East, (ii) Kidderpore Dock West, (iii) South, (iv) King George's Dock and (v) Calcutta including Shalimar. For development of the Calcutta Port under the Second Five Year Plan a temporary section known as the Port Development Section for extending the railway tracks was opened in 1956 or thereabouts. For maintenance of the permanent way, each of the permanent sections has a separate staff of permanent workmen belonging to 4 categories, viz. permanent wayment, keymen, mates and mistris, the permanent waymen being workmen of the lowest category. The Port Development Section was started as a temporary section and has remained as such and all the men employed in that section are temporary men. The keymen, mates and the mistris in the Port Development Section have been appointed by promotion from holders of permanent posts in the 5 permanent sections whereas the permanent waymen have been recruited from outside on the recommendation of the employment exchange. In the 5 permanent sections, the appointment is first made to the post of lowest category i.e. the post of permanent waymen, and they are in due time confirmed and after the required service they become eligible for promotion. Under the Port Development section which is regarded as a temporary section the permanent waymen appointed in 1956 and in subsequent years have continued to remain temporary, but the permanent waymen appointed on a temporary basis in the 5 permanent sections long after 1956 have been made permanent. Temporary permanent waymen of the Port Development section have long been nursing a grievance that they should be made permanent in any of the 5 permanent sections wherever a permanent vacancy of a permanent wayman may occur. They have claimed to be considered for permanent vacancies in accordance with their seniority irrespective of the section where the permanent vacancy may arise. The practice has been that a temporary permanent wayman appointed in one of the 5 permanent sections is confirmed in a permanent vacancy in that section and not in a permanent vacancy in any other unit or section. For this reason the temporary permanent waymen of the Port Development Section have not so long been considered for confirmation in the posts of permanent vacancies of permanent waymen in the 5 permanent sections, as the Port Development Section though temporary has been treated as a separate section. The National Union of Port Trust Employees took up their cause with the Chief Labour Officer of the Port Commissioners. The Chief Labour Officer after discussion with the General Secretary of the National Union of Port Trust Employees and the General Secretary of the Calcutta Port Shramik Union could not come to an agreed settlement. Thereupon the General Secretary of the National Union of Port Trust Employees by a letter dated 4th August 1965, Ext. A, addressed to the Conciliation Officer (C), Calcutta, raised a dispute regarding absorption of the temporary permanent way staff of the Port Development Section in the permanent vacancies occurring in the 5 permanent maintenance sections. In that letter he said that about 300 temporary permanent way staff were working under Port

6 and they were not considered for vacant vacancies arising from time to time in any of the 5 maintenance sections; whereas temporary permanent waymen recruited direct in any of the maintenance sections were confirmed after a few months. The Assistant Labour Commissioner (C) was requested to remove this grievance of the temporary staff of the Port Development Section.

3. The Assistant Labour Commissioner(C), Calcutta, held sittings with the representatives of the National Union of Port Trust employees and the Calcutta Port Shramik Union and also consulted the Chief Labour Officer of the Calcutta Port Commissioners, but no agreed settlement resulted from the talks and accordingly the dispute has been referred for adjudication.

4. A preliminary objection has been raised by the General Secretary of the Calcutta Port Shramik Union, viz. that appointment, confirmation, promotion, etc. of the workmen and determination of the seniority are governed by existing rules based on the award of the Central Government Industrial Tribunal in Reference No. 1 of 1956 published in the Gazette of India Extraordinary, Part II, Section 3 dated 30th January 1958, under which each section of a permanent way establishment of the Calcutta Port Commissioners is regarded as a separate unit; and that as the award has not been terminated, the National Union of Port Trust Employees is not entitled to urge that confirmation should be made on the basis of a common pool of all temporary permanent waymen in the 6 sections of permanent way, i.e. the 5 maintenance sections and the temporary Port Development Section.

5. In Reference No. 1 of 1956, Sri A. Das Gupta, the Presiding Officer of the Central Government Industrial Tribunal, Calcutta had to deal with 11 issues concerning the Calcutta Port Commissioners' employees which were referred to him. In this case, we are concerned with issue No. 7 relating to avenues of promotion for class IV employees. Shri Das Gupta's award as to issue No. 7 covers pages 281 to 290 of the Gazette of India Extraordinary referred to above. In paragraph 7 under that issue, Shri Das Gupta observed as follows:

"7. As already stated, the establishment of the Calcutta Port Commissioners has been broken up, for administrative reasons, into departments, sections and sub-sections and groups. Promotions of Class IV employees have hitherto been generally confined within their respective groups which did not require further break up. These groups are called units. A unit may be a department or a section of a department or a sub-section under a section or even a sub-group under a sub-section. This was the outcome, as I could understand, of negotiations with the unions, and in fact all the three unions did not agree to my proposal to replace the existing system of unit-wise promotion by a system of department-wise promotion for the Class IV employees. I may not here that during the hearing wherever a union found that unit-wise promotion was less favourable to a category of workmen who are its members than what would have been if the promotion was department-wise, the union readily agreed to replacement of the unit-wise promotion scheme for that particular category by a scheme of department-wise promotion, but such alteration were opposed by one or the other of the other two other unions on the ground that such alterations would reduce the benefits of promotion available to the staff of the other sections within the department. Ultimately, the unions did not very seriously dispute the scheme of unit-wise promotion. A change in the scheme of unit-wise promotion may accelerate promotion to the workmen of some units or even open new avenues of promotion for workmen of some other units but at the same time may retard the promotion of workmen of the same category employed in some other units and may thus create unrest among the workmen last mentioned, inasmuch as the prospect of promotion which they had hitherto been enjoying would be considerably reduced. In this view of the matter, I do not propose to alter the existing system abruptly. So far as the engineering jobs are concerned there may be an additional practical difficulty. As engineering jobs differ from shop to shop, the scheme of department-wise promotion will hardly be of any avail to those workmen for whose benefit such alteration is intended, for the workmen of a particular shop may not pass through the test prescribed for a higher job in another shop. However, in some cases, with the consent of both parties I have enlarged the field of promotion by combining two or more units of the same department, and in some cases by combining all the units of a department."

It appears from the above extract that Shri Das Gupta generally maintained the system of unit-wise promotion. In para 8, Shri Das Gupta observed,

"Commissioners appear to have adopted the principle of recruitment of workmen in the lowest grade and filling up vacancies in the higher grades generally by promotion from among the existing employees. Direct recruitment to higher grade posts is resorted to only when suitable men are not available from the lower grades. This practice shall continue". Shri Das Gupta summarised his recommendations under this issue in paragraph 27 under issue No. 7, where he laid down that promotions shall be unit-wise except where otherwise indicated and that vacancies in higher grades shall generally be filled up by promotions from among the lower grades, direct recruitment to the higher grades being resorted to only when suitable persons are not available from among the workmen in the lower grades and that promotions shall conform to the chart mentioned in the annexure. The chain of promotion for the permanent way staff mentioned in the annexure to the award is as follows:

Permanent waymen—keymen—mates—mistris.

6. It is clear from Shri Das Gupta's award that he considered only the question of promotion of Class IV staff already in permanent service and he directed that regarding such promotion the unit-wise system of promotion should continue. He referred to direct recruitment being made for the lowest category from outside, but he did not say that such recruitment should also be unit-wise. In other words, he did not provide that temporary men serving in one unit should not be considered for absorption against a permanent vacancy in the lowest category in some other unit of the same department. The claim of the National Union of Port Trust Employees is only that the temporary permanent waymen of the Port Development Section, who are employees of the lowest category in that section, should be considered for confirmation in that category in any one of the 5 permanent maintenance sections. I must hold that this claim does not go against the award of Shri Das Gupta. The Port Commissioner have agreed that Shri Das Gupta's award is no bar to the claim which is now being made by the National Union of Port Trust Employees. In paragraph 8 of the letter, Ext. 2 dated 14th December 1965, written by the Chief Labour Officer to the Assistant Labour Commissioner (Central), the Chief Labour Officer submitted as follows, "With regard to the letter No. 739/1004/D, dated 27th November 1965 addressed by the Calcutta Port Shramik Union to you, it is pointed out that the Dasgupta Tribunal Award deals with avenues of promotion only for confirmed and permanent staff and is not applicable to the temporary employees. In the circumstances, it is submitted that there is no bar to the formation of a common seniority list of all temporary waymen of the P.D. and Maintenance Sections". I accept this view and hold that there is no substance in the preliminary objection raised by the Calcutta Port Shramik Union.

7. Next I come to the main question, namely whether there should be a common seniority list of all temporary waymen of the Port Development and the Maintenance sections, and if so from what date and subject to what reservations. There is no doubt that the staff employed in the Port Development section has remained temporary for many years and temporary permanent waymen recruited in the 5 permanent sections have been absorbed in permanent posts, although such temporary waymen were appointed long after the temporary waymen in the Port Development section. The Chief Labour Officer in the course of conciliation proceedings furnished a list of temporary waymen in the different sections as on 25th June 1965, along with a letter dated 12th October 1965. The following table taken from that statement will show the position of temporary waymen in the various sections:

S. No.	Section	Total Temporary Waymen	Adjusted against permanent vacancy	Long term vacancy, against permanent incumbent transfer- red to other Sec. such as P.D.	Temporarily adjusted against leave- vacancy
1.	K.P.D. (East)	26	9	17	Nil
2.	K.P.D. (West)	14	Nil	14	Nil
3.	South	38	Nil	25	13
4.	K.G. Dock	28	7	20	1
5.	Calcutta and Shalimar	40 146	3 19	15 91	22 36
6.	Port Develop- ment Section	274	Nil	Nil	Nil

Among the 274 temporary permanent waymen in the P. D. section there are men recruited from 2nd March 1956. In the maintenance section there is no one recruited after 1960 and the majority of temporary men in these sections are men recruited in 1965.

8. It is clear from a perusal of the above table that the temporary permanent waymen of the P. D. section have a genuine grievance. This fact is recognised not only by the National Union of Port Trust Employees, but also by the Calcutta Port Shramik Union and by the Port Commissioners. They all agree that there should be a system evolved by which the temporary permanent waymen of the P.D section may also be gradually absorbed against the permanent vacancies occurring in the permanent sections. The Port Commissioners in their written statement have also said so. The parties however differ in their idea as to how this should be done. The claim of the National Union of Port Trust Employees is that all the temporary permanent waymen should be brought into a common pool as from 31st December 1964. This claim means that all permanent vacancies which have been filled up since 31st December, 1964 would have to be reopened and this would give rise to dis-satisfaction and unrest. Shri P. K. Ganguly who appeared on behalf of the National Union before the tribunal conceded during his arguments that the cases of those who have already been confirmed should not be reopened but that otherwise there should be a common seniority list as from 31st December, 1964. Even with this modification however the plan is not acceptable to the Calcutta Port Shramik Union. That Union in its written statement suggested two alternative solutions which have been repeated by Shri Makhan Chatterjee appearing on behalf of that union. The first suggestion is that henceforth recruitment of temporary waymen in the permanent sections from outside should be stopped, that any permanent vacancy in the category of permanent waymen in any of the 5 permanent sections should be filled up from among the existing temporary permanent waymen attached to that section, that temporary permanent waymen from the P.D. section should be transferred to that permanent way section in the place of the temporary wayman of that section confirmed and that the resulting vacancy in the P. D. section should be filled up from outside i.e. on the recommendation of the Employment Exchange. This scheme would mean that all the 274 odd temporary permanent waymen of the P. D section would have to wait until the 146 men who were attached to the 5 maintenance sections on 25th June 1965 are absorbed, as also other temporary permanent waymen who may have become attached to the maintenance section since 25th June 1965. That would mean a long waiting for the temporary permanent waymen of the P.D. Section. The alternative scheme of the Calcutta Port Shramik Union is that permanent way units of the 5 maintenance Sections and the temporary Port Development Section should be amalgamated and formed into one unit, and the existing permanent workers of the amalgamated unit rearranged in order of seniority, and all the temporary permanent waymen be also arranged in order of seniority and be eligible for promotion in order of seniority. This would involve administrative changes which the Port Commissioners are not prepared to make at the present stage, and moreover it would disturb the existing seniority of the permanent men in the 5 permanent sections and thus cause a good deal of dis-satisfaction. The Port Commissioners in their written statement mentioned 3 alternative schemes which were also mentioned in the letter of their Chief Labour Officer, Ext. 2 dated 14th December 1965 addressed to the Assistant Labour Commissioner (Central), Calcutta. These 3 alternative schemes are as follows:—

- (a) A combined seniority may be maintained for all temporary waymen of the Engineering Department including the P. D. Section, confirmation against permanent vacancies in the Maintenance Units being made on the basis of the combined seniority.
- (b) The existing temporary waymen of the Maintenance Units may be confirmed against permanent vacancies in their respective Units, as and when such vacancies occur. For future vacancies, i.e. after their absorption, a combined seniority of all temporary waymen of the Department may be maintained and confirmation against permanent vacancies may be made on the basis of the combined seniority. The persons who may be recruited from outside in future against temporary vacancies in Maintenance Units may be informed in writing that a combined seniority list of all temporary waymen of the Department including the P. D. Section will be maintained for the purpose of confirmation against permanent vacancies after the existing temporary waymen in the Maintenance Units have been absorbed in such vacancies.

- (c) Only those temporary waymen in the Maintenance Units who have been in continuous service for a specific period, say, six months and are not holding leave vacancies may be given preference in the matter of confirmation against the permanent vacancies occurring in their respective units. A combined seniority of all other temporary waymen including those belonging to the P. D. Section and the temporary waymen of the Maintenance Units who have been working against leave vacancies or have not rendered continuous service for six months may be maintained and future permanent vacancies may be filled by the adjustment of such persons on the basis of their combined seniority.

Shri Karlekar appearing for the Port Commissioners has stated that the scheme suggested by him is that mentioned in sub paragraph (c) above, whereas the scheme mentioned in sub paragraph (a) represents the scheme put forward by the National Union of Port Trust Employees and the scheme mentioned in sub-paragraph (b) is the scheme put forward by the Calcutta Port Sramik Union. According to Shri Karlekar the Port Commissioners are willing to adopt the scheme, but he has urged that in view of the time lag between the discussion before the Conciliation Officer and the hearing of the dispute by the Tribunal, the dates mentioned in the order of Reference, namely 31st December 1964 or 18th July 1965 have become irrelevant, and that the scheme adopted must be given effect to either from the date of the order or at the earliest from the date of the Reference Order. Shri Makhan Chatterjee has also urged that the dates mentioned in the Reference order, namely 31st December 1964 and 18th July 1965 have become irrelevant, but he has urged that since the tribunal must be bound by the order of Reference, the tribunal cannot make an award binding from the date of the order of Reference or the date of the award by the tribunal, and therefore the reference must be rejected.

9. I do not however agree that the reference must fail. It is now admitted by the 3 parties that a scheme should be framed for the relief of the temporary staff of the Port Development Section, and it should not, therefore, be held that the reference has become infructuous even if there is difficulty in making such a scheme operative from a back date.

10. A reference to the table showing the position of temporary waymen as on 25th June 1965 shows that the temporary waymen in the 5 Maintenance sections fall in 3 classes; they are either adjusted against permanent vacancies, or adjusted against long term vacancies mostly against permanent waymen promoted and transferred to the Port Development Section (to the posts of keymen, mates and mistris) or adjusted against leave vacancies in their own section. Those waymen who are adjusted against permanent vacancies have acquired a vested right to be confirmed in the permanent vacancies and I do not think that they should be superseded by more senior temporary waymen from the temporary section i.e. the Port Development Section. But as regards the temporary waymen of the 5 permanent sections adjusted against long term vacancies e.g. against permanent incumbents transferred to other sections. I must hold that they have no more claim to preference than the temporary waymen of P.D. Section itself. Most of these long term vacancies arose by the transfer and promotion of some men from the permanent maintenance sections to the newly formed P.D. Section, because upper grade posts of that section could not at once be filled up by recruitment from outside. Therefore the temporary waymen taken in their place in the permanent sections have no more claim than the temporary waymen placed under those upper grade post holders drawn from the permanent sections. Similarly I must hold that the temporary waymen appointed against leave vacancies have no claim to preference as against the temporary men of the P.D. Section.

11. My conclusion, therefore, is that a common seniority list of all temporary permanent waymen, of those working in P. D. Section as well as those working in 5 maintenance sections should be made, and that in future permanent vacancies in the cadre of permanent waymen in any of the five maintenance sections should be filled from that list in order of seniority; but the temporary men adjusted against permanent vacancies in the 5 permanent departments should get preference in their respective sections, and appointment to permanent vacancies from the common list should be made only after these men adjusted against permanent vacancies in each of the maintenance section have been absorbed.

12. As regards the date from which the order should become effective, Shri P. K. Ganguly on behalf of National Union of Port Trust Employees has urged that since the dispute was raised by him before 18th July 1965 and it was reported before the Conciliation Officer that the last confirmation in the cadre of permanent waymen had been made on 18th July 1965, it would be perfectly

proper to make the order effective from 18th July 1965; but Shri P. K. Ganguly was not in a position to deny that there might have been other confirmations in the permanent cadre of permanent waymen in the 5 sections between 18th July 1965 and the date of Reference, 20th October 1966. Shri P. K. Ganguly gave notice to the Port Commissioners immediately on receipt of the order of Reference that there should be no confirmation in the cadre of permanent waymen before the adjudication of the dispute. He did not however give such a notice immediately on the failure of the conciliation or rather immediately after the meeting before the Conciliation Officer at which the Port Commissioners' representative announced that the last confirmation in the cadre of permanent waymen in one of the permanent sections had been made on 18th July 1965. Any case of confirmation however between 18th July 1965 and 20th October 1966 may be provided for by observing in the award that no confirmation made before the date of the Reference 20th October 1966 is to be disturbed. I would go further and provide that no order of confirmation or appointment to a substantive post if made upto the date of the award should be disturbed. Further the vested right of the temporary waymen in the Maintenance sections who are adjusted against permanent vacancies should be safeguarded by the provision that those temporary permanent waymen who are adjusted against permanent vacancies on 18th July 1965 will have preference in their respective sections. Subject to the above two provisos therefore I think it would be possible and equitable to make the award effective from 18th July 1965.

13. My award, therefore, is that the demand of the temporary waymen working in the Port Development (Temporary Permanent Way Section) of the Calcutta Port Commissioners for absorption in the five Permanent Way Maintenance Sections on the basis of common seniority of all temporary waymen serving under the Commissioners, whether in the Port Development side (Temporary Permanent Way Section) or in any of the five Permanent Way Maintenance Section on the maintenance side of the Port Commissioners be conceded with effect from 18th July 1965 subject to the following two provisos:—

- (i) Temporary permanent waymen in each of the permanent sections who were adjusted on 18th July 1965 against permanent vacancies in their section will not be included in the common seniority list and they will have preference in their respective sections before men included in the common seniority list in the matter of absorption in permanent posts. As on 25th June 1965, the number of such men was 19; on 18th July 1965, the number should be about the same.
- (ii) Any confirmation made in the cadre of permanent posts of permanent waymen between 18th July 1965 and the date of the award shall not be disturbed.

(Sd.) S. K. SEN,
Presiding Officer.
[No. 28 (24) /66-LRIV.]

Dated, 24th July 1967.

New Delhi, the 1st August 1967

S.O. 2745.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Mandore and Burhia No. 1 Mica Mines of Messrs Chrestien Mica Industries Limited, and their workmen, which was received by the Central Government on the 25th July, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR**

CAMP AT DHANBAD

Dated July 17, 1967

PRESENT:

Shri G. C. Agarwala—Presiding Officer.

REFERENCE No. 129 of 1964 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R) (63)/67 (JABALPUR TRIBUNAL)

In the matter of an industrial dispute between the employers and the workmen of the concern known as Mandore and Burhia No. 1 Mica Mines of Messrs Chrestien Mica Industries Limited, P.O. Domchanch, Dist. Hazaribagh (Bihar).

APPEARANCES:

For the employers—Sri Maheshwari Prasad Sinha.

For the workmen—Sri Bhuvaneshwar Singh, General Secretary, Abrakh Mazdoor Panchayat.

INDUSTRY: Mica Mine.

DISTRICT: Hazari Bagh (Bihar).

AWARD

The Ministry of Labour and Employment by Notification No. 20/15/64-LR-I dated 21st November 64 referred the following matter of dispute as stated in the order of reference to the Central Government Industrial Tribunal, Dhanbad where the reference remained pending till it was transferred to this Tribunal by Notification No. 8/25/67-LR-II dated 25th April, 1967:—

SCHEDULE

Whether the management of M/s. Chrestien Mica Industries Ltd. in relation to their Mandore and Burhia No. 1 Mica Mines were justified in not reinstating Sarvashri Daulat Kandu and Jhari Kumhar or in not offering them light jobs as recommended by the Medical Superintendent of the Central Hospital at Kerma?

If not, to what relief are these workmen entitled?

Neither party filed written statement before the Dhanbad Tribunal although the dispute had been pending since December, 1964. On issue of usual notices by this Tribunal, workmen alone filed their written statement. Parties have, however, compromised the dispute on this date of hearing, terms of which are reproduced in the annexure.

The dispute relates to non-employment of two workmen, Daulat Kandu and Jhari Kumhar. The Union has agreed to accept an *exgratia* payment of Rs. 100/- in the case of Daulat Kandu and Rs. 150/- for Jhari Kumhar in full and final settlement of their claims and to which the employers have also agreed. The compromise is a fair and just settlement of the dispute and is accepted. An award is recorded accordingly.

(Sd.) G. C. AGARWALA,
Presiding Officer.
17-7-67.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR
COURT, JABALPUR
CAMP—DHANBAD

REF. No. 129/64
63/67

Sir,

We both the parties have arrived into agreement in the above case on the condition noted below:—

1. That Sri Jhari Kumhar of our Buria No. 1 Mica Mine will be paid Rs. 150/- in full and final settlement against all his claims.
2. That Sri Daulat Kandu of our Mandore Mine will be paid Rs. 100/- in full and final settlement against all his claims.
3. Sri Jhari Kumhar and Sri Daulat Kandu will be paid the amount within ten days of the publication of the Award.

(Sd.) BHUVANESHWAR SINGH,
17-7-67

Abrakh Mazdoor Panchayat.
(Sd.) BHUVANESHWAR SINGH,
17-7-67

Representative of the Employer.
Chrestien Mica Industries Ltd.

(Sd.) Illegible.
(Sd.) MAHESHWARI PRASAD SINHA
17-7-67.

Verified before me.
(Sd.) G. C. AGARWALA,
Presiding Officer.
17-7-67

Part of Award
(Sd.) G. C. AGARWALA,
Presiding Officer.
Central Government Industrial Tribunal-cum-Labour Court, Jabalpur,
Camp at Dhanbad,
17-7-67.

* [No. 20/15/64-LR.I.]

S.O. 2746.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Barhwa Mica Mine of Messrs Eastern Manganese and Minerals Limited, Post Office, Domchanch, District Hazaribagh and their workmen, which was received by the Central Government on the 25th July, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR**

CAMP AT DHANBAD

Dated July 17, 1967

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

REFERENCE No. 130/64 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R) (64)/67 (JABALPUR TRIBUNAL)

In the matter of an industrial dispute between the employers and the workmen of the concern known as Barhwa Mica Mine of Messrs Eastern Manganese and Minerals Limited, P.O. Domchanch, Dist. Hazaribagh (Bihar).

APPEARANCES:

For the employers—Sri Maheshwari Prasad Sinha.

For the workmen—Sri Bhuvaneshwar Singh, General Secretary, Abrakh Mazdoor Panchayat.

INDUSTRY: Mica Mine.

DISTRICT: Hazaribagh (Bihar).

AWARD

The Ministry of Labour and Employment by Notification No. 20/16/64-L.R.I. dated 23rd November 1964 referred the following matter of dispute as stated in the order of reference to the Central Government Industrial Tribunal, Dhanbad where the reference remained pending till it was transferred to this Tribunal by Notification No. 8/25/67-L.R.II dated 25th April, 1967:—

SCHEDULE

- (i) Whether the management of Messrs Eastern Manganese and Minerals Limited (in relation to their Barhwa Mica Mine) are justified in neither reinstating Shri Bishun Barhi on his former post as Compressor Driver nor offering him a light job as recommended by the Medical Superintendent of the Karma Hospital?
- (ii) If not to what relief is the workman entitled?

Neither party had filed any written statement of claims before the Dhanbad Tribunal although the case had been pending before that Tribunal since December, 1964. On issue of usual notices from this Tribunal to the parties, written statement of the workmen alone was received on 23rd June 1967. The parties, however, on this date have filed a compromise petition, terms of which are reproduced in the annexure. The Union has agreed on payment of Rs. 500/- to the workman concerned by the employers to compromise the dispute in full and final settlement of the claim and to which the employers have also agreed. This is a reasonable settlement of the dispute and the compromise is accepted. An award is recorded accordingly.

(Sd.) G. C. AGARWALA,
Presiding Officer.
17-7-67

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT,
JABALPUR**

CAMP—DHANBAD

REF. No. 130/64
64/67

Sir,

We both the parties have arrived into agreement in the above case on the condition noted below:—

1. That Sri Bishun Barhi of our Barhwa Mica Mine will be paid Rs. 500/- in full and final settlement against all his claims.

2. The amount will be paid within ten days of the publication of the Award.

(Sd.) BHUVANESHWAR SINGH,
17-7-67

General Secretary,
Abrakh Mazdoor Panchayat.
(Sd.) BHUVANESHWAR SINGH,
17-7-67

Representing the Employer.
Eastern Manganese & Minerals
Ltd.

(Sd.) Illegible.
(Sd.) MAHESHWARI PRASAD SINHA,
17-7-67

Verified.

(Sd.) G. C. AGARWALA,
Presiding Officer.
17-7-67

Part of Award

(Sd.) G. C. AGARWALA,
Presiding Officer.
17-7-67

[No. 20/16/64-LR.I.]

S.O. 2747.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to (1) The Shipping Employers Federation, Visakhapatnam (2) Messrs. Roy & Chatterjee Private Limited, Visakhapatnam (3) Messrs K. Ramabrahmam and Sons Private Limited, Visakhapatnam (4) Messrs. La Rive and Company Visakhapatnam (5) Messrs. G. S. Murty, Ch. Agastayya and Company, Visakhapatnam (6) Messrs. Shreeram Shipping Service Limited, Visakhapatnam (7) Messrs. Balailal Mookerjee and Company, Private Limited, Visakhapatnam (8) Messrs. V. Dhanareddy and Company, Visakhapatnam and their workmen which was received by the Central Government on 28th July, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD.

PRESENT:

Sri Mohammad Najmuddin, M.A., B.L.—Chairman, Industrial Tribunal,
Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 8 OF 1967

BETWEEN

Workmen of Certain Companies of Visakhapatnam.

AND

Employers of—

1. Shipping Employers Federation, Visakhapatnam.
2. Messrs. Roy & Chatterjee Private Limited, Visakhapatnam.
3. Messrs. K. Ramabrahmam & Sons, Private Ltd., Visakhapatnam.
4. Messrs. La Rive & Company, Visakhapatnam.
5. Messrs. G. S. Murty, Ch. Agastayya & Company, Visakhapatnam.
6. Messrs Shreeram Shipping Service Limited, Visakhapatnam.
7. Messrs. Balailal Mookerjee & Company (P) Ltd., Visakhapatnam.
8. Messrs V. Dhanareddy & Company, Visakhapatnam.

(AWARD)

The Government of India in its Ministry of Labour, Employment & Rehabilitation (Department of Labour and Employment) had, by order No. 28(88)/66-LRIV dated 13th April 1967, referred this dispute to me for adjudication, The issue as per Schedule annexed to the reference is this:—

Whether the Mineral Handling Workers, Coal Loading Workers and Workers engaged in Coal Bunkering of port craft in Visakhapatnam Port are entitled to bonus for the accounting years 1964-65 and 1965-66 under the Payment of Bonus Act, 1965? If so, at what rate?

2. The Dock Workers Union, Visakhapatnam, represented by its President, is party to the reference. The Shipping Employers Federation is party to the reference besides its even constituent units who are also party to the reference. The reference was received here on 18th April. Notice dated 20th April was sent to the President, Dock Workers Union, with the direction to file statement of claims on or before 8th May. Any statement of claims was not received on 8th May. Therefore I waited till 15th May. Even on that date any statement of claims was not received. On that date a notice was sent to the President, Dock Workers Union, informing him that time was extended as a last chance for filing statement of claims, and that it should be filed on or before 31st May. Any statement of claims was not received on 31st May. Meanwhile a letter dated 19th May was received here on 25th May from Mr. B.G.M.A. Narsing Rao the President, Dock Workers Union. It was stated in that letter that he did not know what industrial dispute No. 8 was or to which reference it pertained, and that "merely saying" workmen of certain Companies of Visakhapatnam V. Their Employers, was vague, and that therefore he "could not readily answer your notice". Thereupon by letter dated 24th May 1947, I replied as below to the President, Dock Workers Union:—

I should think that there ought not to be any difficulty for you to find out from your files the identity of the Dispute in question. When the reference was received here from the Government of India it was numbered as I.D. No. 8/1967, and for the sake of brevity it was given the cause title, Workmen of certain Companies of Visakhapatnam V. Their employers. After the reference was numbered here, notice dated 20th April 1967 was sent to you calling upon you to file your statement of claims. You are party to that reference, being serial No. 9. The number of the reference is 28/88/66 LRIV dated 13th April 1967. The copy of the reference received by you from the Government of India has that reference number. The notice sent to you from this Tribunal also has that reference number. That being so, you have the exact reference and the identity of the parties to the reference including yourself as set out in the copy of the reference received by you from the Government of India. Thereby you ought to know about the scope of the reference, who the parties to it are, and the identity and the exact nature of the reference which has been numbered here as I.D. No. 8/1967. It is in that Industrial Dispute that you are called upon to file your statement of claims. There is nothing more to be stated by way of clarification which is evident from the copy of the reference received by you from the Government of India whose number is in that copy itself as well as in the notice sent by us. The I.D. stands posted to 31st of this month for filing your statement of claims. If you cannot file one on or within that date, you can request for extension of time therefor.

Since I was prepared to extend time even beyond 31st May as indicated at of claims in that behalf. It is only after a statement of claims is filed on behalf of day a letter from the Dock Workers Union was received sent by one Janaki Ramamurthy for the President Mr. Narsing Rao. That letter acknowledged my letter dated 24th May as also a subsequent notice dated 5th June by which I had extended time as a last chance till 13th June. It is stated in that letter of 10th June received here on 13th June that they were trying to trace the reference No. 28/88/66 LRIV dated 13th April 1967. It is stated in the letter that the President was away at Bombay, and time was requested to file statement of claims till the end of the month of June. Thereupon I called the case on 30th June for filing statement of claims. Any statement of claims was not received on 30th June. There was no communication from the Dock Workers Union in that behalf. Any purpose was not served by waiting any more to hear further from the Dock Workers Union. Thereafter I gave notice to the employers, viz., to the Employers Federation as well as to its constituent units, calling upon them to file a statement of their case, if any. I had stated in that notice that the Dock Workers Union did not file statement of claims. Copy of that notice was also directed to the President of the Dock Workers Union. While there was no reaction on the part of the Dock Workers Union even to the above said notice, the Shipping Employers Federation wrote in reply to that notice that inasmuch as the employees had not presented their statement of claims, there was nothing for the employers to meet by way of counter.

3. It will be seen that the onus of proof under the issue as per schedule annexed to the reference made by the Government of India is upon the Dock Workers Union. Far from letting in any evidence in support of the claim which

is the subject of issue, the Dock Workers Union has not even filed its statement of claims in that behalf. It is only after a statement of claims is filed on behalf of the claimants that the Management could be called upon to file its counter. In the absence of any statement of claims from or on behalf of the claimants, the Management was not obliged to file a statement of its case, if any. As I said, the onus of proof under the issue is upon the claimants, and they have not even filed a statement of claims. By reason of this default the claimants have failed to establish that they were entitled to bonus for the accounting years 1964-65 and 1965-66 under the Payment of Bonus Act, 1965. In consequence my finding under the issue is that they are not entitled to the said claim.

Award passed accordingly.

Given under my hand and the seal of the Tribunal, this the 20th day of July, 1967.

[No. 28(88)/66-LRIV.]

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.

New Delhi, the 2nd August 1967

S.O. 2748.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Industrial Tribunal, Delhi in the industrial disputes between the employers in relation to the Punjab National Bank Limited and their workmen which was received by the Central Government on the 29th July, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

PRESENT:

Shri Anand Narain Kaul, Central Government Industrial, Tribunal, Delhi.

New Delhi, the 23rd June 1967

C.G. REFERENCE I.D. No. 11 OF 1966

BETWEEN

The management of Punjab National Bank Ltd., Head Office, Parliament Street, New Delhi.

AND

Their workman Shri S. L. Khattar Clerk, as represented by the All-India Punjab National Bank Employees Association, 989, Nai Sarak, Delhi.

Shri I. S. Ahluwalia—for the management.

None on behalf of the workmen.

AWARD

By S.O. dated 29th November, 1966, the Central Government has made a reference of a dispute to this Tribunal for adjudication. The dispute is between the employers in relation to the Punjab National Bank Limited and their workman in respect of the matters specified in the Schedule annexed to the reference. The dispute as specified in the Schedule is as follows:—

"Whether having regard to the settlement dated 24th April 1962 arrived at before Chief Labour Commissioner (Central), New Delhi, the action of the management of the Punjab National Bank Ltd., H.O. New Delhi, in reverting Shri S. L. Khatur, Supervisor, Sambharlake Branch with effect from 19th October, 1963 was justified? If not, to what relief is the workman entitled?"

2. Both the parties to the reference filed their written statements and rejoinders. A number of documents have also been filed by the parties. In the light of the pleadings of the parties the following issues were framed:—

(1) Whether it is not an industrial dispute?

(2) As in the term of reference.

After the issues were framed the 15th and 16th June was fixed for evidence of the parties. On the 15th June when the union representing the workman was to begin its evidence, no one was present on its behalf. Its evidence was, therefore, closed. The management examined one witness on the 16th June and closed its evidence. Arguments were heard today in the absence of the workman's representative.

Issue No. 1

3. The learned representative of the management did not press Issue No. 1. It is, therefore, decided against the management.

Issue No. 2

4. In this case by the very term of reference the onus in regard to the justification for reversion of Shri S. L. Khatur has been placed on the management. It is common ground between the parties that he was an old employee of the Bharat Bank at its Bhilwara Branch but, subsequently, as a result of merger of the Bharat Bank with the Punjab National Bank Ltd., in March 1951, he became an employee of the latter Bank and that by a letter Ext. M/1 dated 27th December, 1961 from the District Manager, Central Circle, Bhopal to the Manager, B. O. Bhilwara at which place he was posted as a clerk, he was "approved for posting as workman supervisor at P.O. Sambharlake" and was asked to be relieved immediately with instructions to report for duty to the said office. His posting as Supervisor was understood to be provisional till the decision of the appeal filed by the Bank before the Supreme Court in the matter of absorption of Bharat Bank Employees in the Punjab National Bank and their service conditions. No joining time was given to him in the order of transfer but it so happened that the 31st December, 1961 and the 1st January, 1962 were Bank holidays. He therefore reported for duty on the 2nd January, 1962 at the P.O. Sambharlake. For some unexplained reason, however, he was not given complete charge of his new assignment upto the 8th January, 1962 and from 3rd January to 6th January he had to perform clerical duties only.

5. Under clause 2 of a settlement dated 24th April, 1962 between the Bank on the one hand and the two bank employees Associations on the other, those promoted by the Bank as Supervisors or Officers Grade II from 5th October, 1958 till 31st December, 1961 were not to be reverted and in case any of them had been reverted he would be restored to the post of a Supervisor and such restoration would also be enforced not later than 7th May, 1962. It is conceded by Shri Ahluwalia representing the Bank that the Supreme Court decision in the appeal of the management in regard to service conditions of the erst while Bharat Bank employees does not affect the present case on its merits. By an order dated 5th May, 1962 Shri Khatur was reverted but, significantly enough, he was allowed to officiate as a Supervisor with effect from the same date pending final selection for the post. In the meantime applications were invited for selection for the posts of supervisors from employees who had been reverted and Shri Khatur also made such an application. It seems the management did not finally select him as a supervisor and by an order dated the 13/14th September, 1963 Ext. M/7 he was finally reverted to his substantive post of clerk. The grounds given in justification of his reversion are in the following terms:—

"The above subject who has been working as Supervisor provisionally at yours on the basis of his previous approval in December, 1961 "does not come up in the present selection" and therefore, shall stand reverted to his substantive post of clerk."

Now it will be seen that Shri Khatur's reversion was not on the ground that he did not come upto the mark or that he was not qualified. The phrase "does not come up in the present selection" is peculiar and cannot mean that he was not found competent for selection. In fact, it is now admitted that he has been finally selected recently and posted as supervisor.

6. The short point for decision, therefore, is whether in terms of clause 2 of the settlement dated 24th April, 1962 the workman should be deemed to have been actually promoted as supervisor on or before 31st December, 1961 or only after that date. The workman's contention is that having received the order of promotion before the 30th December, 1961 and having been relieved of his duties as a clerk on that date at Bhilwara, he should be deemed to have, for all practical purposes, been promoted as supervisor within the dead-line date. The Bank's contention, on the other hand, is that since the order Ext. M/1 was only of "approval for posting as supervisor" it was not an actual order of appointment and as such has not the effect of promoting him as supervisor before he

actually took over at Sambharlake. It seems to me that there is force in the workman's case and it is inequitable and against the spirit of the agreement that he should be treated as having been promoted after 1st January, 1962. It is a fact that having been relieved of his clerical duties on 30th December, 1961 at Bhilwara, in implementation of the order of selection for promotion, he ceased to be a clerk on that date. He was not to be given any joining time and it was no fault of his that two holidays intervened or that he was not allowed to join as a Supervisor at Sambharlake from the 2nd January to the 7th January and had to work as a clerk. It is too legalistic and too strict a view of the meaning of the agreement to hold that he should be deemed to have been promoted with effect from 8th January, 1962. There is then the additional fact that even on 5th May, 1962 when his so-called first reversion took place he was allowed to continue in an officiating capacity as a supervisor and it was only in September, 1963 that he was finally reverted and that too, presumably, on the ground of priorities based on the history of his appointment. In the circumstances it will be quite fair to allow the workman the benefit of the higher emoluments of the post of a supervisor in the Bank for the following periods:—

(1) From 2nd January, 1962 to 7th January, 1962 and

(2) From the date of his final reversion to the date of his recent promotion as supervisor.

He will, thus be entitled to the difference of wages for the supervisor's post and the wages actually drawn by him as a clerk during the above two periods. He will, however, not be entitled to claim seniority on the basis of this decision on those who were promoted prior to the date of his latest promotion. I make an award accordingly. This award will be implemented within two months of its publication in the Official Gazette.

(Five pages).

The 23rd June, 1967.

(Sd.) ANAND NARAIN KAUL,

Central Govt. Industrial Tribunal, Delhi.

[No. F. 51(50)/66-LRIV.]

New Delhi, the 3rd August 1967

S.O. 2749.—In exercise of the powers conferred by section 39 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby directs that the power exercisable by it under sub-section (1) of section 34 of the said Act, shall, in respect of the offences punishable under sections 26, 27, 28 and 29 of that Act in relation to any strike in the Madras Port be exercisable also by the Regional Labour Commissioner (Central), Madras for a period of three months from the date of this Notification.

[No. 28/79/67-LR-III.]

S.O. 2750.—In exercise of the powers conferred by section 39 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby directs that the power exercisable by it under sub-section (1) of section 34 of the said Act, shall, in respect of the offences punishable under sections 26, 27, 28 and 29 of that Act in relation to any strike in the Calcutta Port be exercisable also by the Regional Labour Commissioner (Central), Calcutta for a period of three months from the date of this Notification.

[No. 28/79/67-LR-III.]

New Delhi, the 5th August 1967

S.O. 2751.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following Award of Shri D. Panda, Arbitrator in the dispute between the employers in relation to the General Manager, Bhilai Steel Plant of Hindustan Steel Limited and their workmen which was received by the Central Government on the 21st July, 1967.

**BEFORE THE REGIONAL LABOUR COMMISSIONER (CENTRAL), JABALPUR
AND ARBITRATOR**

PRESENT:

Shri D. Panda, Regional Labour Commissioner (Central).

In the matter of arbitration of an industrial dispute under Section 10A of the Industrial Disputes Act, 1947

PARTIES:

General Manager, Bhilai Steel Plant of Hindustan Steel Ltd., Bhilai in relation to Rajhara Iron Ore Mines of Hindustan Steel Ltd.

Versus

Their workmen represented by Khadan Mazdoor Congress, P.O. Dalli Rajhara. District Durg.

APPEARANCES:

For Employer—Shri M. R. Raju, Senior Labour Officer (Mines), Bhilai Steel Plant, Bhilai.

For Workmen—Shri P. K. Sengupta, General Secretary, Khadan Mazdoor Congress.

INDUSTRY: Iron Ore Mines

AWARD

The Government of India. Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) by its Order No. 37/13/66-LR-I, dated 6th December, 1966 published an arbitration agreement entered into on 29th October, 1966 by the above parties referring the following specific matter in dispute for my arbitration under Section 10A of the Industrial Disputes Act, 1947:—

"In the light of the discussions between the parties before Shri P. N. Razdan, the then Regional Labour Commissioner (Central), Jabalpur on 31st May, 1965 whether Shri S. Mukherjee, Chargeman, Rajhara Mines of Bhilai Steel Plant is entitled to promotion in the scale of Rs. 325—475, if so, from what date."

2. The parties were requested on 7th January, 1967 to submit their written statements in the case within 10 days. As no written statement was received from either party within the prescribed time, reminder was sent on 17th February, 1967. Hearing was first fixed on 22nd March, 1967 at Durg whereas while appearance was put on behalf of the employer, none appeared from the union side. In order to give another chance to the Union, hearing was adjourned and fixed on 28th April, 1967 at Durg. At this hearing both the parties submitted a joint petition requesting for adjournment. After allowing two more adjournments, the case was finally taken up for hearing on 24th June, 1967. In the meantime, the parties submitted their written statements

3. The employer's case as stated in their written statement is that the workmen Shri Mukherjee on completion of training at Bhadravati Steel Plant was appointed as Operative in the prervised pay scale of Rs. 150—10—250 w.e.f. 22nd August, 1959; that the Departmental Promotion Committee considered the cases of fixing Operatives and other workmen on different posts and scales on 14th August, 1961 and while it recommended S/Shri A. P. Mahata and N. V. Pillai to be fixed against the posts of Chargeman (Drilling), the workman Shri Mukherjee was found suitable for the post of Chargeman (Chisel and Sharpening) and accordingly all the three workmen were promoted with effect from 1st July, 1960 to one and the same scale of Rs. 200—300 (old) and the workman was posted to M. R. Shop; that in order to man the three shift working at the Mechanical Mines of Rajhara, all workmen employed then were trade tested to consider for higher posts and the workman Shri Mukherjee was also given a fair chance for trade test and he could secure only 42 marks which was far below the desired minimum and hence he was declared to have been failed by the Committee; that Shri T. K. Chakravarty against whom it is alleged that favouritism has been done, had joined as skilled worker on 29th December, 1958 and thereafter he was appointed to the post of Mechanic, Lathe work, in the scale of Rs. 100—160 (old) w.e.f. 1st April, 1961 and subsequently on his applying for the post of Chargeman, was selected in an open competition w.e.f. 1st April, 1962 and was given the approved scale of Rs. 200—300 (old) w.e.f. 1st October, 1962 on completion of successful probationary period and as he secured 70 marks in the trade test he was promoted to the post of Chargeman in the scale of Rs. 325—475 (revised); that promotions have always been ordered in pursuance of the recommendations of the Committee constituted for the purpose which adjudge the various factors laid down for promotions and Shri Mukherjee

has always been given fair and reasonable opportunity and he never represented individually or through any trade union against any sort of discrimination, super-session or injustice till 21st July, 1964; and that the claim of the union for promotion of Shri Mukherjee to the post of Chargeman in the scale of Rs. 325—475 is erroneous and baseless

4. The case of the union as stated in its written statement in reply to the written statement of the employer is that all the three workman S/Shri A. P. Mahata, N. V. Pillai and S. Mukherjee were given specialised training as operative in the trade of drilling, the former two in U.S.S.R. and the latter in Mysore Steel Works, and after training all the three workmen were given the same grade of Rs. 150—250 simultaneously; that since there were initially two shift working in the Rajhara mechanised mines, S/Shri A. P. Mahata and N. V. Pillai were placed as Incharge of the shifts in the Churn Drill in the top quarry whereas Shri Mukherjee was placed incharge of churn drill bits sharpening of both Rajhara iron ore and Nandini limestone mines and since the management did not post any chargeman then in the M.R. Shop where lathe works were being carried on, Shri Mukherjee was called upon to supervise the work of M.R. Shop also in addition to his normal job of Drill Bit Sharpening; that Shri Mukherjee was not designated as Chargeman (Mechanical); that when Shri Mukherjee was also supervising the work of the M.R. Shop, S/Shri T. K. Chakravorty and M. K. Choudhury were mere turners and Shri Chakravorty was in the grade of Rs. 60-3-90 per month; that even on promotion as Chargeman both S/Shri Chakravorty and Choudhury were in shift rotation and supervising the work of M.R. Shop (Lathe Section) on which Shri Mukherjee or any other workman including other chargeman of drill bit sharpening section had no connection; that simply assigning once Shri Mukherjee with the additional work of supervision of Lathe Section in M.R. Shop which was also withdrawn with the promotion of S/Shri T. K. Chakravorty and M. K. Chaudhury, the management cannot claim that Shri Mukherjee was or is Chargeman of M. R. Shop, especially when he was designated as Chargeman, Chisel Sharpening, and was promoted along with S/Shri A. P. Mahata and N. V. Pillai in the same scale of pay with effect from 1st July, 1960, that though there were two clear vacancies in the drilling trade the management took two junior Churn Drillmen S/Shri Chakravorty and Hari Darshan Singh of the scale of Rs. 150—210 with effect from January, 1964 in the pay scale of Rs. 325—475 and subsequently made them permanent by agreement with the Steel Workers Union; that the workman Shri Mukherjee was forced to appear in the trade test meant for the Chargeman (Mechanical) of the M.R. Shop in the trade of lathe work even though no trade test was needed in terms of General Manager's Circular Order No. 9; that there were available two posts of Chargeman in the scale of Rs. 325—475 in drilling in the original trade of Shri Mukherjee which were given to S/Shri Chakravorty and Sardar Hari Darshan Singh and there was, therefore, no reason to trade test Shri Mukherjee for a vacancy in the M.R. Shop for which he was all along protesting; that when promotions were awarded to S/Shri A. P. Mahata and Pillai on one hand and Shri T. K. Chakravorty on the other hand leaving no scope for the concerned workman to get any relief, he appealed for at least some advance increments but that too was turned down and after the trade test result was out on 17th January, 1964, he protested against injustice done to him by representing to various authorities of the Plant and Labour Inspector (Central), Raipur; and that by depriving promotion to the workman, the management adopted all unfair, unjust, victimisation, illegal and unfair labour practice

5. During the hearing the unions case is that on 9th August, 1958 (Ext. W.1) Shri Mukherjee was given the offer of appointment for the post of Operative (Drilling), on a monthly stipend of Rs. 120. He was sent for specialised training in drilling in Mysore Steel Works, Bhadravati and on return from training, by the management's Order, dated 21st October, 1959 (W. 2) he was posted to Rajhara Iron Ore Mines under Superintendent, Ore, Mines and Quarries. Another Order was issued on 28th December, 1959 fixing his scale at Rs. 150—10—250 with effect from 22nd August 1959 F.N (Ext. W. 3). By Order dated 1st February, 1960, he was transferred to Mines Manager, Rajhara Mines as Operative, wagon drilling (Ext. W. 4). Since there was no wagon drill at Rajhara, he was posted as Churndrill Operator. By the management's Order, dated 9th May, 1961 (Ext. W. 5) all the operatives of drilling section trained along with him and appointed along with him viz., S/Shri A. P. Mahata and N. V. Pillai were promoted as Chargemen (Drilling) in the scale of Rs. 200—12½—300 with effect from 1st July, 1960, whereas Shri Mukherjee by the same order was promoted as Chargeman, (Chisel and Sharpening) in the same pay scale with effect from the same date. From 1st July, 1960 regular workings of 8 Churn-drills at Rajhara and 6 churn drills at Nandini started operation and Shri Mukherjee, on the recommendations of the Soviet

Experts, was kept incharge of the entire work both for Nandini and Rajhara with headquarters at Rajhara. Thus drilling operation was divided in two parts viz., drilling and drill bit sharpening, dressing and treatment. The Mines Manager by his Order dated 22nd March, 1963 (Ext. W. 6) issued to Bit Sharpening Section (for circulation among all workers) stated that the "Mines Manager is glad to know the performance of the drill bits in the massive ore. It is surely due to hard work and taking proper care in doing the job by all concerned and he expects that it will be maintained." As there were no chargemen posted in the Mechanical repair shop which is situated in the same shed along with Electrical repair shop, all the supervision work of the mechanical repair shop was given to Shri Mukherjee and as and when the Junior Mechanical Engineer Shri G. S. Rao was going on leave or out of station, the whole charge of the Mechanical Repair Shop was given to Shri Mukherjee as per Order dated 13th June, 1961 (Ext. W. 7). He was also looking after the M. R. Shop which would be clear from the Order dated 23rd May, 1961 (Ext. W. 8). By an order dated 24th April, 1963, the posts of Chargemen, drilling were upgraded to the scale of Rs. 250—400 (revised to Rs. 325—475 with effect from 1st July, 1962) and S/Shri Mahata and Pillai were accordingly promoted. But this upgradation and promotion was denied to Shri Mukherjee (Ext. W. 9). Even his request to grant him some extra increments were also rejected (Ext. W. 10). It will be observed from Order dated 9th May, 1961 (Ext. W. 5) that while Shri Mukherjee was posted as Chargeman in the scale of Rs. 200—124—300 with effect from 1st July, 1960 under Sl. No. 6, there was another worker under Sl. No. 10 Shri T. K. Chakravorty who was promoted as skilled worker in the scale of Rs. 100—6—160 with effect from 1st April, 1961 and Shri Chakravorty was posted under Shri Mukherjee. Shri Chakravorty was again promoted as Chargeman in the scale of Rs. 200—300 from 1st October, 1962. At this stage, the Mechanical Repair Shop and Drill Bit Sharpening Section were separated and Shri T. K. Chakravorty and another Chargeman Shri M. K. Choudhury who was earlier in crushing plant as turner and promoted as chargeman were placed in-charge of M.R. Shop and distribution of work was done as per Exts. W. 11A and B. By an Order dated 26th February, 1966 the Mines Manager called for cost details of the whole of the Mechanical Repair Shop and Bit Sharpening Section and Shri Mukherjee was called upon to prepare the same (Ext. W. 12). This was the usual practice. Since he was not given promotion or any increment with effect from 1st April, 1963, he wanted to leave the service for employment elsewhere by submitting applications, but his application was not also forwarded on the ground that he has executed the service contract for five years in Hindustan Steel Ltd. w.e.f. 19th October, 1959 (Ext. W. 13). With the starting of three shift working, the management upgraded some posts and also prescribed the channel of promotion. In the channel of promotion prescribed under Mines Manager's letter dated 20th December, 1963 no channel has been prescribed for Chargeman, Chisel and Sharpening in which post he was the chargeman, whereas all his subordinates like bit heaters, furnace attendants, drill bit sharpener, chisel sharpener etc. have been given the avenues of promotion as chargeman, primary drilling, in the scale of Rs. 325—475. Shri Mukherjee was called for a trade test sometime in November-December, 1963. Under the General Manager's Order No. 9 on Rules of Promotion, there should be no trade test within the category. Accordingly, S/Shri A. P. Mahata and N. V. Pillai were not called for trade test but were promoted. Shri Mukherjee was trade tested in turning pertaining to lathe work for which he had not been given any training either before or after appointment. If the intention of the management was to deprive him from the prospects of promotion by keeping him as chargeman, chisel and sharpening, the same amounts to change in trade for unfair labour practice, which has been clarified by the management's Order dated 29th May, 1963 (Ext. W. 14). In the duty chart of M.R. Shop (Ext. W. 15) the turning section and bit sharpening section have been divided and each section has two shifts. While in the turning section, the 1st and 2nd shifts are manned by one Chargeman each viz. S/Shri M. K. Choudhury and T. K. Chakravorty, in the bit sharpening section the 1st shift is manned by two chargemen and the second shift by Shri Mukherjee alone. This shows the higher responsibility entrusted to Shri Mukherjee. By an Order dated 15th October, 1963 Shri Mukherjee was asked to work as Chargeman in general shift in bit sharpening section/Mechanic Shop (Ext. W. 16). Shri Mukherjee had given his first representation to Mines Manager on 17th January, 1964 with copy to S.O.M.Q. etc. (Ext. W. 17). The representation was returned on 6th February, 1964 on the ground that it was not sent through proper channel (Ext. W. 18). However, an endorsement was made therein by EME (Hq.) that "Shri Mukherjee will speak to me with your application". Shri Mukherjee met the E.M.E. and gave his application. Since there was no result, an industrial dispute was raised on 21st September, 1964 (Ext. E. 19) which was conciliated upon on 27th February, 1965 by the Labour Enforcement Officer (Central). Raipur as per his minutes of conciliation and failure report (Exts W. 20 and 21). The union submitted a

further statement to the Chief Labour Commissioner on 6th April, 1965 (Ext. W. 22). Further conciliation was taken up by the then Regional Labour Commissioner (Central), Jabalpur, Shri P. N. Razdan on 31st May, 1965 at Raipur where, after prolonged discussions, a tentative agreement was reached. But the management's representative wanted 7 days' time to obtain the concurrence of higher authorities to confirm the agreement, as per minutes of conciliation dated 31st May, 1965 (Ext. W. 23). The management ultimately did not accept the tentative settlement and the rejection of the tentative settlement has not so far been communicated to the union. However, as agreed in the minutes of conciliation, the dispute was to be referred to adjudication under Section 10(2) of the Industrial Disputes Act. But, it appears that at the instance of the management, Government desired that the parties should refer the dispute to arbitration. Accordingly, it was referred to the arbitration of Shri S. K. Gokhale, the then Regional Labour Commissioner (Central), Jabalpur on 2nd February, 1966. As Shri Gokhale relinquished charge towards end of July 1966 without any progress, the parties entered into a fresh arbitration agreement referring the dispute to the present Regional Commissioner (Central), Jabalpur. As already agreed in the minutes of conciliation, in the event of the management not finally agreeing to the compromise formula, the union would not be bound to the same at the adjudication proceedings and the original claim of upgradation and promotion with effect from 1st April, 1963 would be revived. In view of this, the union submits that Shri Mukherjee should be upgraded w.e.f. 1st April, 1963. During the conciliation before the then Regional Labour Commissioner, the union had agreed for giving up the claim of seniority from 1st April, 1963 till 13th January, 1964 and arrears till 1st June, 1965 because by another agreement with the rival Steel Workers Union, the management had promoted S/Shri Hari Darshan Singh and S. Chakravorty, Churn Drillmen from 13th January, 1964 to the post of Chargeman, primary drilling in the scale of Rs. 325—475 and the sanctity of 1st June, 1965 for giving up arrears was that the conciliation was taken up by the then Regional Labour Commissioner on 31st May, 1965 and the Regional Labour Commissioner suggested 1st June, 1965. The union submits that the management's action was motivated and *mala fide*, because Shri Mukherjee before he joined this union he was an active member of S. K. M. Sangh (AITUC) Rajhara Branch, with which the management was not well disposed. Shri Mukherjee has also suffered in the quantum of production bonus by his transfer from quarry to drill bit sharpening section. The management has submitted in the written statement that the workman failed in trade test conducted in November-December, 1963 out of which promotion orders were issued w.e.f. 13th January, 1964. It has been held by Allahabad High Court in 'Upper Doab Sugar Mills Ltd. Vs. State of U.P.' reported in 1962-1 LLJ p 1 that refusal of upgrading on the ground of inefficiency could be taken up as an industrial dispute and the Tribunal can go into the merits. As against the denial of promotion to Shri S. Mukherjee, the agreement by the management with Steel Workers Union to promote and upgrade his juniors was a further unfair labour practice. It has been held by Allahabad High Court in L.H. Sugar Factory and Oil Mill vs. State of U.P. 1961-1 LLJ-686 that unmerited promotion, partiality towards one set of workers regardless of merits are illustrations of unfair labour practice and victimisation. In that case their Lordships held that the promotion given to please one trade union and strengthen it against rival union to which the disputed workmen belonged was a blatant case of victimisation and unfair labour practice adopted with a cynical indifference to its effect on the peace within the industry.

6. The management's case during the hearing is that Shri Mukherjee on completion of training in Bhadravati was appointed as Operative in the pre-revised scale of pay of Rs. 150—350 with effect from 28th February, 1959. Subsequently, all the cases of Operatives were considered by a D.P.C. As per the recommendations of the D.P.C. Shri S. Mukherjee was found suitable for the post of Chargeman, Chisal and Sharpening, in the scale of Rs. 200—300. By the same D.P.C. S/Shri A. P. Mahata and N. V. Pillai were recommended for the posts of Chargeman, Drilling (copy of D.P.C. minutes furnished and marked as Ext. M. 1). All these workmen were accordingly promoted with effect from 1st July, 1960 and Shri Mukherjee was posted to M.R. Shop. Shri Mukherjee had neither individually nor through any trade union represented any case of injustice till 6th May, 1963. This application also relates only to the grant of 2 to 3 advance increments (copy furnished and marked Ext. M. 2) on the ground that his name was not unfortunately found in the list of persons selected by D.P.C. In this representation also he never alleged any discrimination, injustice or supersession. His request for 2 or 3 advance increments was considered by the management and a reply was given to him. At the time of introduction of 3 shifts manning of Rajhara Mines, all the workmen were trade tested for considering them for higher posts. Shri Mukherjee also attended the trade test in December, 1963,

and as he got only 45 marks, which was far below the desired minimum, he was declared by the Committee to have failed. It will be seen from the trade test results that Shri T. K. Chakravorty who also appeared for trade test was declared to have passed by securing 70 marks. As a result of this test Shri Chakravorty was recommended for the post of Chargeman Grade II in the scale of Rs. 325—475. S/Shri Mahata and Pillai who were earlier promoted were not trade tested in view of the recommendations of the D.P.C. which met on 17th December, 1962 and their work performance. As regards allegation that favouritism was shown to Shri T. K. Chakravorty, it may be mentioned that he had joined as skilled worker on 29th December, 1958 and thereafter he was promoted to the post of Mechanic lathe worker in the scale of Rs. 100—6—160 with effect from 1st April, 1961. Later, he applied for the post of Chargeman in response to the advertisement and was selected in competition on 1st April, 1962 and was given the approved scale of Rs. 200—300 from 1st October, 1962 after completion of successful probationary period. At the time of 3 shift working of Rajhara Mines, he was trade tested along with all others including Shri Mukherjee and he secured 70 marks. He was, therefore, promoted to the post of Chargeman in the scale of Rs. 325—475 (revised). This appointment does not amount to an accelerated promotion or discrimination as alleged by the union. It will thus be seen that the promotions were made in pursuance of the recommendations of the Committee constituted for the purpose and this is an approved and well recognised method of promotion. It was for the first time on 17th January, 1964 Shri Mukherjee represented regarding alleged discrimination about promotion. The union's allegation regarding motive and malafides does not therefore arise. No force was used on Shri Mukherjee to appear at the trade test. Regarding promotion of S/Shri Haridarsan Singh and Chakravorty, they were working as Churndrillmen and as per their channel of promotion, they were entitled to the post of Chargeman primary drilling. Prior to their promotion, they were authorised by Mines Manager to work as Chargeman, primary drilling. Since it is a settlement in conciliation, the Conciliation Officer must have gone into the fairness of the settlement. There is therefore, no case of supersession of Shri S. Mukherjee.

7. The union finally wanted to submit that the rule of promotion as incorporated in General Manager's Order No. 9 is that within the same category from Chargeman to Chargeman there would be no trade test and promotion would be given on the basis of seniority-cum-merit rating and even in cases of promotion by trade test, the highest marks obtained by the candidates is not the criteria. It depends on the pass marks obtained by a candidate and his seniority. This Order has also not been applied at any of the two stages only to suppress the promotion of Shri Mukherjee. The workman was not assigned any reason for not promoting him at the time of superseding him. The post of Chargeman, primary drilling, is a renamed post and it was not obtainable earlier. He was, therefore, entitled to the post of Chargeman, Primary Drilling, with effect from 1st April, 1963. The nature of job assigned to him also substantiates this. The management have not advanced any reason for the offer of compromise which shows that in fairness Shri Mukherjee should have been promoted earlier.

8. While the parties have put forth their contentions and adduced evidence on the merits of the case in regard to the justifiability or otherwise of the management's action in not upgrading/promoting Shri Mukherjee, I find that the terms of reference for my arbitration is not so unqualified but is limited to the extent whether in the light of the discussion between the parties before Shri P. N. Razdan, the then Regional Labour Commissioner (C), Jabalpur on 31st April 1965, Shri Mukherjee is entitled to promotion in the scale of Rs. 325—475, and if so, from what date. I am, therefore, to confine myself to the terms of reference and give my decision in the light thereof after examining the various points advanced by the parties which are relevant to the issue. But, unfortunately neither party could produce any record or evidence to show as to what was discussed between the parties before Shri Razdan. The only piece of document produced in this connection is Ext. W.23, the whole of which reads as below:—

"The case was discussed with the parties. Shri Kale, Sr Labour Officer attended on behalf of the management and Shri Sen Gupta, on behalf of the Khadan Mazdoor Congress. Various proposals for resolving the dispute were discussed. Ultimately, the following basis was thought feasible for resolving the dispute but the representative of the management wanted to consult his higher authorities before finally agreeing to the same:

- (1) that Shri S. Mukherjee will be given the post of Chargeman (Gr. II) in the scale of Rs. 325—475 from 1st June, 1965.

- (2) the formalities regarding regularising him in the scale will be completed by the end of July, 1965.
- (3) Shri Mukherjee will be given notional seniority with effect from 13th January 1964 without paying any back wages in this scale.

As said earlier, the representative of the management wanted to discuss this compromise with the higher authorities for obtaining their concurrence. For this purpose, he desired to have 7 days time. Failing a settlement on the above terms, as an alternative, the dispute may be referred to adjudication under Section 10(2) of the Industrial Disputes Act.

Shri P. K. Sen Gupta on behalf of the union stressed that he was agreeable to the above terms, as measure of compromise but in case the dispute has to go for adjudication under Section 10(2) of the Industrial Disputes Act, the union will be free to argue on the basis of the claims raised in the dispute.

Sd./- P. K. SENGUPTA
General Secretary
Khadan Mazdoor Congress

Sd./- L. J. KALE
Sr. Labour Officer,
B.S.P.
Sd/- P. N. RAZDAN
LRC, Jabalpur".

From the above, it appears that various proposals for resolving the dispute were discussed and the above was only the basis of compromise which was thought feasible. What proposals were discussed before arriving at the above basis of compromise are not on record. I have, therefore, to depend only on this piece of document produced by the union to serve as the basis of my award. Since the contents of the documents are not self-contained or exhaustive, the union has clarified the circumstances which led to the compromise formula. According to the union the date for promotion was fixed as 1st June 1965 as conciliation was held by the then Regional Labour Commissioner on 31st May 1965 and notional seniority was agreed from 13th January 1964 as S/Shri Haridarsan Singh and Chakravorty were promoted as Chargemen, primary drilling, from that date. Since the management have not controverted this nor adduced any evidence regarding the discussion before Shri Razdan, which forms the essence in this case, I have to accept this clarification to fill the lacuna in the compromise formula contained in Ext. W.23. It has, however, been clearly laid down in Ext. W.23 itself that the union was agreeable to the compromise provided a settlement was made on the basis thereof, for which the management representative had taken 7 days time to confirm, and in the event of reference to adjudication, the union's original claim would stand. The union's original claim is for promotion of Shri Mukherjee with effect from 1st April 1967, when S/Shri Mahata and Pillai were promoted. It is evident from Ext. W.23 that the tentative agreement embodied therein was reached at the conciliation proceedings taken up at the level of the then Regional Labour Commissioner (C), Jabalpur, after the failure of conciliation of the dispute before the Labour Inspector (Central), Raipur. The scheme of the law relating to settlement of industrial disputes through conciliation proceedings as envisaged under Section 12 of the Industrial Disputes Act is that the representatives of the parties who attend conciliation proceedings should have full authority to settle the dispute when induced by the Conciliation Officer to come to a fair and amicable settlement thereof. If they are convinced of the same. In this case, the representative of the management was convinced of the terms of compromise contained in Ext. W.23 which were arrived at after prolonged discussion of the case and consideration of various proposals of compromise. The management's failure to honour the agreement which their own representative considered to be a fair and amicable settlement in the course of conciliation proceedings, defeats the very purpose of such proceedings. Under such circumstances the union's stand that it should be free to revive its original claim for promotion of the workman with effect from 1st April 1963 i.e. the date from which S/Shri Mahata and Pillai were promoted cannot be resisted. It has been admitted by the management that Shri Mukherjee was appointed along with S/Shri Mahata and Pillai after the training, on the same day and all of them were given the same higher grade even after the D.P.C. recommendations on one and the same date. It has also been admitted by the management that S/Shri Mahata and Pillai were not trade tested for fixing them in the revised scale of pay, but Shri Mukherjee was trade tested with some other workers who did not belong to his category and who had applied for promotion. The management have not given any reason for singling out the workman Shri Mukherjee for the trade test at this stage. All the three workmen viz. S/Shri Mahata, Pillai and Mukherjee were being bracketted together, after their training, from 28th

February 1959 onwards at various stages for the purpose of fixation of pay, promotion etc. and the deviation started only by the management's order dated 24th April 1963 fixing S/Shri Mahata and Pillai in the scale of Rs. 325—425 with effect from 1st April 1963 in exclusion of Shri Mukherjee. While I appreciate the union's claim for similar promotion of Shri Mukherjee from 1st April 1963, I cannot lose sight of the fact that all along Shri Mukherjee was ranking last in the batch of these three workmen. The order of merit/ranking placing Shri Mahata first, Shri Pillai second and Shri Mukherjee third is not disputed. It has not been abundantly proved by the union that the scale of Rs. 325—475 was simply a revision/upgradation of the old scale of Rs. 200—300 and not a scale obtainable by promotion. The order dated 24th April 1963 (Ext. W.9) fixing S/Shri Mahata and Pillai in the scale of Rs. 325—475 shows that they were appointed/promoted to the posts of Chargeman (drilling) with effect from 1st April 1963. In an earlier order dated 9th May 1961 (Ext. W.5) the said workmen had also been appointed as chargemen (drilling) but in the scale of Rs. 200—12½—300 with effect from 1st July 1960 along with Shri Mukherjee who had been appointed as Chargeman (Chiesel and Sharpening) in the same scale from the same date. There is, therefore, a confusion whether the scale of Rs. 200—12½—300 was revised to Rs. 325—475 or the post of Chargeman (drilling) which was earlier carrying the scale of Rs. 200—300 was upgraded to carry the scale of Rs. 325—475. The union has at one stage stated that the scale of Rs. 325—475 was revision of the old scale of Rs. 250—400. But the management have nowhere mentioned about the existence of the scale of Rs. 250—400 but have stated about the promotion of the various chargemen other than Shri Mukherjee from the scale of Rs. 200—300 to Rs. 325—475. If there was a general revision of the scale from Rs. 200—300 to Rs. 325—475, then Shri Mukherjee who was already placed in the scale of Rs. 200—300 alongwith S/Shri Mahata and Pillai should have automatically got the revised scale of Rs. 325—475. Since the union has not given much stress on this point and since the very term of reference seeks a decision about promotion in the scale of Rs. 325—475, I take it that the appointment of S/Shri Mahata and Pillai as Chargeman (drilling) for the second time by the order dated 24th April 1963 was a promotion by way of upgradation of the post of Chargeman from the scale of Rs. 200—300 to the scale of Rs. 325—475. In that case, it was upto the management to fix the requirement of such upgraded posts. By promoting only two workmen S/Shri Mahata and Pillai to the scale of Rs. 325—475 by their order dated 24th April 1963 and none else, no injustice can be said to have been caused to Shri Mukherjee at that stage as the former ranked above him all along. The position, however, changed when two other workmen S/Shri Haridarsan Singh and Chakravorty who were only churn drillmen and juniors to Shri Mukherjee were promoted. It is, evidently, on this basis that notional seniority as Chargeman in the scale of Rs. 325—475 was agreed to be given to Shri Mukherjee with effect from 13th January 1964 in the compromise formula without payment of back wages and the actual payment in the scale was to start from 1st June 1965, the day following the date on which the tentative agreement was reached before the then Regional Labour Commissioner (C), Shri Razdan. Since the management did not accept the said compromise formula, no value can be attached to the date 1st June 1965. Nevertheless, in the light of discussions before Shri Razdan, it was thought feasible to resolve the dispute by promoting Shri Mukherjee to the post of Chargeman (Grade II) in the scale of Rs. 325—475. Since as clearly laid down in Ext. W.23, the union is not bound by the compromise when the management did not finally accept it and could revive its original claim, the point at issue now is whether the workman Shri Mukherjee is entitled to promotion from 1st April 1963 or from 13th January 1964, the date from which it had been tentatively agreed before Shri Razdan as a compromise to give notional seniority to the workman, on the basis of promotions given to S/Shri Haridarsan Singh and Chakravorty who were juniors to the workman. The management's stand has been that promotions are given as per the recommendations of D.P.C. and they have been guided by the said recommendations in this case. I have examined the D.P.C. recommendations produced by the management which is marked Ext. M-1. I do not find anything adverse against Shri Mukherjee in the said recommendations. On the other hand, the D.P.C. appears to have considered the case of Shri Mukherjee on par with S/Shri Mahata and Pillai and since two sanctioned posts of Chargemen (drilling) and one sanctioned post of chargemen (chisel and sharpening) were available on the same scale of pay of Rs. 200—12½—300, it recommended promotions of all the three workmen to the said scale from one and the same date. There is also no mention about giving any trade test to Shri Mukherjee. In the said recommendations, the D.P.C. had recommended the scale of Rs. 100—6—160 to Shri T. K. Chakravorty. As such, so far as D.P.C. is concerned S/Shri Mahata, Pillai and Mukherjee stood on equal footing. However, I have to examine the issue in the light of discussions before the then Regional Labour Commissioner, Shri P. N. Razdan and my decision should not be detached therefrom. It appears from Ext. W-23 which is the only

material available on record regarding the said discussions that it was felt to give the post of Chageman Grade II to Shri Mukherjee from 13th January 1964, though as a measure of compromise arrears of pay was not to be claimed till 31st May 1965. Since the compromise did not sustain, I think the ends of justice would be fairly met if the workman Shri Mukherjee is promoted as Chageman (Grade II) in the scale of Rs. 325—475 with effect from 13th January 1964 and is paid the wages in the said higher scale from that date.

9. In the result, I hold that in the light of the discussions before the Shri P. N. Razdan, the then Regional Labour Commissioner (Central), Jabalpur, on 31st May 1965, Shri Mukherjee is entitled to promotion in the scale of pay of Rs. 325—475 with effect from 13th January 1964, and I award accordingly. I further decide that the arrear difference of wages accruing to Shri Mukherjee from this award be paid to him within 30 days from the date of enforcement of this award.

(Sd.) D. PANDA,
Regional Labour Commissioner (C), Jabalpur &
Arbitrator.

JABALPUR,

Dated the 16th July, 1967.

[No. 37/13/66-LR-I.]

ORDERS

New Delhi, the 29th July 1967

S.O. 2752.—Whereas an industrial dispute exists between the employers in relation to the Bombay Port Trust Bombay and their workmen represented by the Bombay Port Trust, General Workers' Union, Bombay;

And, whereas the said employers and workmen have, under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration by written agreement and have forwarded to the Central Government under sub-section (3) of the said Act, a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 24th July, 1967.

Agreement

(Under Section 10-A of the Industrial Disputes Act, 1947)

BETWEEN

The Trustees of the Port of Bombay,

AND

Their workmen employed as crews of vessels in the Port Department.

Names of Parties:

Representing Employers: The Trustees of the Port of Bombay.

Representing Workmen: The Bombay Port Trust General Workers' Union.

It is hereby agreed between the parties to refer the following industrial dispute to the sole Arbitration of Shri Salim M. Merchant at present Presiding Officer, Central Government Industrial Tribunal, Bombay.

1. The matter in dispute is as follows:

"Whether the existing payment of remuneration to the flotilla crews during the periods of lay-up of vessels is unfair or unjust on any consideration? If so, to what relief are the flotilla crews entitled?"

2. The Employers are the Trustees of the Port of Bombay incorporated by Bombay Act VI of 1879, having their principal offices at Ballard Road, Fort, Bombay, and the establishment of the Bombay Port Trust concerned in the dispute is the flotilla establishment of the Employers' Port Department, the workmen directly concerned being the crews of vessels comprised in that establishment.

3. The workmen's Union is the Bombay Port Trust General Workers' Union, having their office at Kavarana Building, P. D'Mello Road, Bombay-9.

4. The total number of workmen employed in the undertaking affected is about 27000.

5. The estimated number of workmen affected or likely to be affected by the dispute is about 900.

6. We further agree that the decision of the said Arbitrator shall be binding on us.

The Arbitrator shall make his award within a period of two months or within such further time as is extended between us in writing. In case the award is not made within the period aforesaid mentioned, the reference to arbitration shall stand automatically cancelled and we will be free to negotiate for fresh arbitration.

Dated the 20th day of July 1967.

*For and on behalf of the
Trustees of the Port of Bombay.*

(Sd.) S. D. CHETTAB,
Secretary.

Signature

&

*Signature & Designation of the
principal officer.*

*For and on behalf of the
Bombay Port Trust General
Workers' Union.*

(Sd.) G. H. KALE,
President of the Union.

(Sd.) S. MAITRA,
General Secretary of the Union.

Witnesses:

(1) (Sd.) H. P. TAVADIA, Jn. Asstt. Legal Adviser.

(2) (Sd.) M. C. LOKARE, Driver Gr. II, S. T. Azad.

[No. 28(81)/67-LRIII.]

New Delhi, the 1st August 1967

S.O. 2753.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Martin's Light Railways, Calcutta comprising Arrah-Sasaram Light Railway Co. Ltd. and Fatuwah-Islampur Light Railway Co. Ltd. and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad constituted under section 7A of the Said Act.

SCHEDULE

(1) Whether the management of Arrah-Sasaram Light Railway Co. Ltd. and Fatuwah-Islampur Light Railway Co. Ltd. of M/s Martin's Light Railway, Calcutta, was justified in demoting Shri B. Pathak, Travelling Ticket Examiner as Ticket Collector. If not, to what relief is he entitled?

(2) Whether the management of Arrah-Sasaram Light Railway Co. Ltd. and Fatuwah-Islampur Light Railway Co. Ltd. of M/s Martin's Light Railway, Calcutta was justified in demoting Shri B. L. Singh, from Assistant Inspector of Ticket

Checking to Batch Incharge, with effect from the 8th January, 1966? If not, to what relief is the workman entitled?

(3) Whether the management of Arrah-Sasaram Light Railway Co. Ltd. and Fatuah-Islampur Light Railway Co. Ltd. of M/s Martin's Light Railway, Calcutta was justified in demoting Shri Kesho Prasad from the post of Station Master to Assistant Station Master with effect from 19th November, 1964 and refusing him seniority from the 17th December, 1963 for the cadre of Station Master? If not, to what relief is the workman entitled?

[No. 2/39/66-LRIV.]

S.O. 2754.—Whereas the employers in relation to Calcutta Licensed Measurers, Calcutta, and their workmen represented by Calcutta Licenced Measurers Employees' Union, Calcutta Port and Dock Workers Union, and National Union of Waterfront workers, Calcutta, are parties to an industrial dispute and have jointly applied to the Central Government for reference of the industrial dispute that exists between them in respect of the matters set forth in the Schedule hereto annexed to a Tribunal;

And, whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said industrial dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Computation of bonus under the Payment of Bonus Act 1965 (21 of 1965) in respect of the accounting year 1965-66.

[No. 28(13)/67-LRIII.]

New Delhi, the 4th August 1967

S.O. 2755.—Whereas the employers in relation to Messrs Shri Ambica Steam Navigation Company, Limited, Bombay and their workmen represented by the Transport and Dock Workers' Union, Bombay have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matter set forth in their application and reproduced in the Schedule hereto annexed:

And, whereas the Central Government is satisfied that the persons applying represent the majority of each party ;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said industrial dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7-A of the said Act.

SCHEDULE

Whether the termination of service of Messrs S. K. Joshi, B. Sheikh Ismail and R. S. Shirdhankar amounts to retrenchment under section 25F or under section 25 FFF of the Industrial Disputes Act, 1947, and if so, to what relief they are entitled?

[No. 28/65/67-LRIII.]

New Delhi, the 5th August 1967

S.O. 2756.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers specified in Schedule I hereto annexed and their workmen in respect of the matter specified in Schedule II hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE I

1. M/s. A. C. Roy & Co. Private Ltd., 5, Mission Row, Calcutta-1.
2. M/s. Balailal Mookerjee & Co. Pvt., Ltd., Wardley House 25, Swallow Lane, Calcutta-1.
3. M/s. Beney Madhub Mookerjee & Co., 74, Bantinck Street, Calcutta-1.
4. M/s. Butterworth & Farmer, Opposite No. 12, Kidderpore Dock, Calcutta-43.
5. M/s. B. Bose Private Ltd., 43, Dharamtala Street, Calcutta-13.
6. M/s. Darabshaw B. Cursetjees' Sons Private Ltd., 13, Brabourne Road, Calcutta-1.
7. M/s. E. C. Bose & Co. Private Ltd., 22, Strand Road, Calcutta-1.
8. M/s. H. M. Coria & Son Private Ltd., 48M, Park Street, 2nd floor, Calcutta-16.
9. M/s. J. N. Mukherjee & Co. Private Ltd., 20, Strand Road, Calcutta-1.
10. M/s. Keshavlal P. Gorsia, 24, Strand Road, Calcutta-1.
11. M/s. Elias (Pvt.) Ltd., 18, Netaji Subhas Road, Calcutta-1.
12. M/s. P. E. Davis & Co. (Stevedores) Pvt. Ltd., Messanine floor, 18, Strand Road, Calcutta-1. ...
13. M/s. Santosh Chandra Banerjee & Sons Pvt. Ltd., 7, Swallow Lane, Calcutta-1.
14. M/s. Sarat Chatterjee & Co. (Pvt.) Ltd., 3, Mangoe Lane, Calcutta-1.
15. M/s. Alex Miller (Shipchandlers) Private Ltd., 7, Old Court House Corner, Calcutta-1.
16. M/s. Banerjee & Chatterjee Stevedores (Pvt.) Ltd., 13, Camac Street, Calcutta-16.
17. M/s. M. Ghose & Co. Pvt. Ltd., 29, Mission Row Extension, Calcutta-13.
18. Calcutta Supply Agency, 8, Canning Street, Calcutta-1.
19. M/s. Chatterjee Hazra Private Ltd., 2 & 3, Clive Row, Calcutta-1.
20. M/s. Naresh Nath Mookerjee, 6, Clive Row, Calcutta-1.
21. M/s. Pratul Mukherjee (Stevedores) Pvt. Ltd., 19, Strand Road, Calcutta-1.
22. M/s. Sen Mukherji & Co., P-20, Radhabazar Street, Calcutta-1.
23. M/s. Sharma & Co., 8/2, Fern Road, Calcutta-19.
24. M/s. T. P. Roy Choudhri & Co. Pvt. Ltd., "Roxy Building", 4/B, Chowringhee Place, Calcutta-13.
25. M/s. Chinay Chablani & Co., 13, Brabourne Road, Calcutta-1.
26. M/s. Miscos (India) Pvt. Ltd., 13, Brabourne Road, Calcutta-1.
27. The Master Stevedores Association, Royal Exchange, 6, Netaji Subhas Road, Calcutta.
28. The Calcutta Stevedores Association, P-11, Mission Road Extension, Calcutta-1.
29. Chairman, Calcutta Dock Labour Board, Calcutta.

SCHEDULE II

Whether the demand for payment of bonus by the registered and listed workers, excluding the Chipping and Painting Workers, at the Calcutta Docks for the financial year 1966-67 is justified? If so, to what relief are they entitled?

[No. 28(19)/67-LR.III.]

CORRIGENDUM

New Delhi, the 2nd August 1967

S.O. 2757.—In the Order of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) No. S.O. 2058, dated the 9th June, 1967 published in Part II Section 3 sub-section (ii) of the Gazette of India dated the 17th June, 1967 for the words "with headquarters at Lucknow", the words "with headquarters at Allahabad", may be substituted.

[No. 51(63)/66-LR.IV.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 1st August 1967

S.O. 2758.—In exercise of the powers conferred by section 39 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby directs that the power exercisable by it under sub-section (1) of section 34 of the said Act, shall, in respect of the offences punishable under sections 26, 27, 28 and 29 of that Act in relation to any strike in Air-India in the State of Maharashtra, be exercisable also by the Regional Labour Commissioner (Central), Bombay, for a period of three months from the date of this notification.

[No. F. 4/116/67/LRIII.]

G. MISHRA, Dy. Secy.

(Department of Labour & Employment)

New Delhi, the 2nd August 1967

S.O. 2759.—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), and having regard to the location of the factory, namely the Steam Laundry attached to the K. G. Hospital, Visakhapatnam in an implemented area, the Central Government hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 1st August, 1967.

[No. F. 6/35/66-HI.]

New Delhi, the 3rd August 1967

S.O. 2760.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri B. R. Kharsyntiew to be an Inspector for the whole of the State of Assam for the purposes of the said Act and of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government or in relation to an establishment connected with a railway company a mine or an oil-field, or a controlled industry.

[No. 20/80/65/PF-I.]

S.O. 2761.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri D. N. Sehgal to be an Inspector for the whole of the Union territory of Delhi for the purposes of the said Act and of any Scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20/68/64/PF-I.]

S.O. 2762.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Samiran Chatterjee to be an Inspector for the whole of the States of Punjab and Haryana and the Union territories of Chandigarh and Himachal Pradesh for the purposes of the said Act and of any scheme framed thereunder in relation to establishments belonging to, or under the control of, the Central Government, or in relation to establishments connected with a railway company, a mine or an oil-field or a controlled industry.

[No. 20/4/67-PF-I.]

New Delhi, the 4th August 1967

S.O. 2763.—Whereas the Central Government has, in pursuance of clause (e) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri R. N. Joshi, Senior Executive, Kohinoor Mills Co., Ltd., Bombay, to be a member of the Medical Benefit Council in place of Shri Basudev Somani;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government

of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 2899 dated the 27th September, 1966 namely:—

In the said notification, under the heading "(Nominated by the Central Government) under clause (e) of sub-section (1) of section 10 in consultation with organisations of employers recognised by that Government)" for the entry item (19), the following entry shall be substituted, namely:—

"Shri R. N. Joshi, Senior Executive, Kohinoor Mills Co. Ltd., Killick House, Home street, Fort, Bombay-1".

[No. F. 3/20 '66-HI.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 3rd August 1967

S.O. 2764.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section namely:—

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1967.
2. In sub-clause (1) of clause 52 of the Madras Dock Workers (Regulation of Employment) Scheme 1956 after the words "at the same time as", the words, "or earlier than," shall be inserted.

[No. 629/4/66-Fac. II.]

K. D. HAJELA, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 3rd August 1967

S.O. 2765.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Rajasthan, Shri A. S. Bhutani, Assistant Settlement Officer in the Office of the Regional Settlement Commissioner, Rajasthan Jaipur as Assistant Custodian for the purpose of discharging the duties imposed on custodians by or under the said Act with immediate effect.

[No. 8(80)AGZ/66.]

ORDERS

New Delhi, the 28th July 1967

S.O. 2766 —In pursuance of rule 76-A of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the Central Government hereby makes the following Order to amend the Order published with the notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. S.O. 530 dated the 3rd February 1964, namely:—

In the said Order,

For the words and figures "30th June, 1967" the words and figures "30th September, 1967" shall be substituted.

[No. F. 14(22)Comp. & Prop/64.]

New Delhi, the 1st August 1967

S.O. 2767.—In pursuance of Rule 11-D(D)(A) of the Evacuee Interest (Separation) Rules, 1951 the Central Government makes the following order to amend the order published with the Notification of the Government of India, in the late Ministry of Works, Housing & Rehabilitation (Department of Rehabilitation)

No. S.O. 531, dated 6th February 1964, namely:—

For the words and figures "30th June, 1967" the words and figures "30th September, 1967" shall be substituted.

[No. 5(24)/59-Prop. II/Com. & Prop.]

A. G. VASWANI.

Settlement Commissioner(A) & *Ex-Officio* Under Secy.

MINISTRY OF EDUCATION
(Cultural Activities Division I)

[CAI(1) Section]

ARCHAEOLOGY

New Delhi, the 3rd August 1967

S.O. 2768.—Whereas the Central Government is of opinion that the area near or adjoining the protected monument specified in the Schedule attached hereto, be declared to be a prohibited area for the purposes of construction or mining or both;

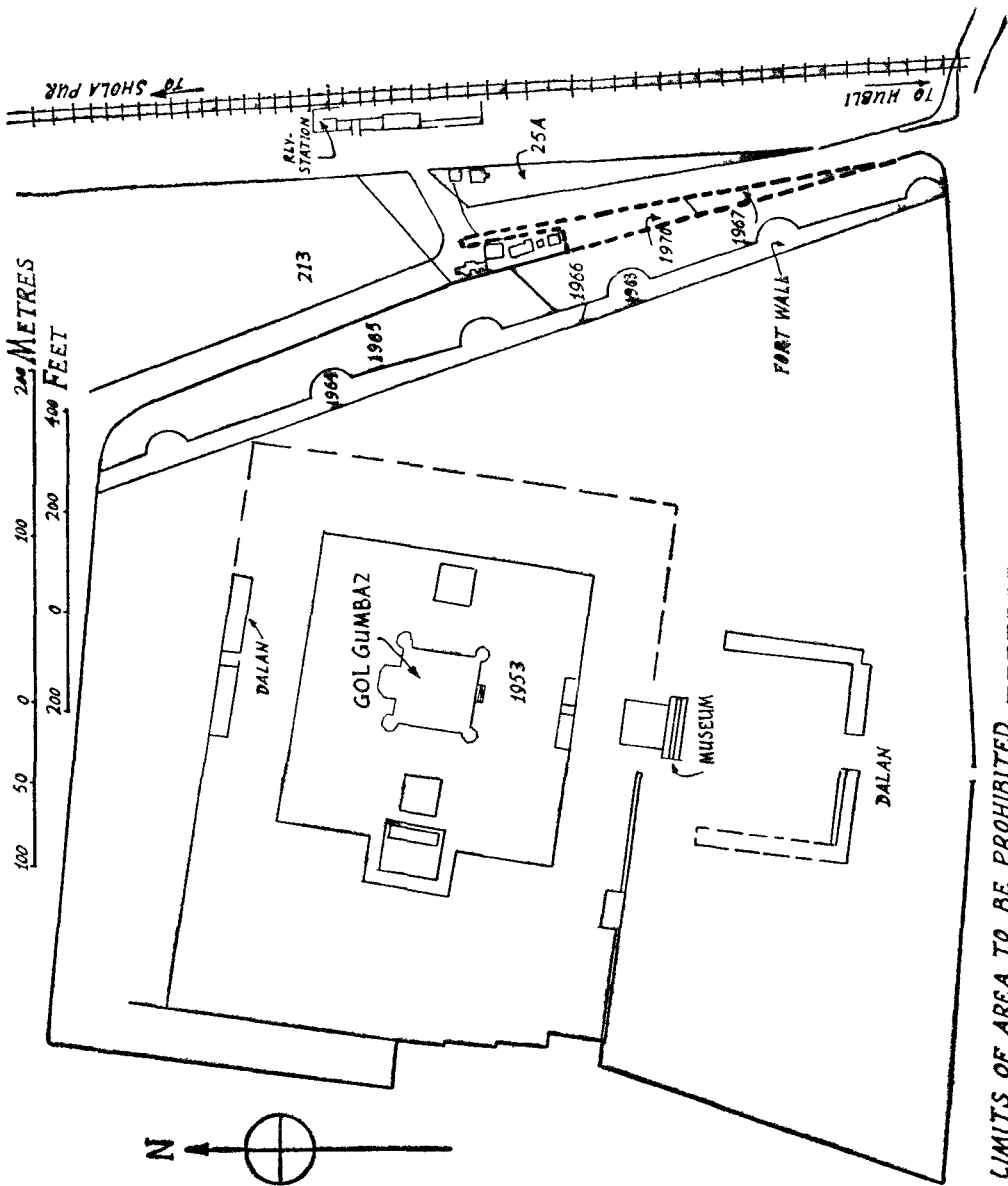
Now, therefore, in exercise of the powers conferred by rule 31 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, the Central Government hereby gives notice of its intention to declare the said area as a prohibited area.

Any objection made within one month of the date of issue of the notification by any person interested in the said area will be considered by the Central Government.

'THE SCHEDULE'

Sl. No.	State	District	Tahsil/Taluk	Locality	Name of monument	Revenue plot numbers to be declared prohibited	Area	Ownership	Details of modern constructions if any in the area to be declared prohibited	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Mysore	Bijapur	Bijapur	Bijapur	Fort wall near Gol Gumbaz.	Part of survey plot Nos. 1970 and 1967 as shown in the plan reproduced below.	25 Guntas of survey plot No. 1970 and 10 Guntas of survey plot No. 1967.	M/s. Mahalaxmi Co., Private Ltd.	Nil	The total areas of survey plot Nos. 1970 and 1967 are 1 Acre and 4 Guntas and 8 Acres and 4 Guntas respectively.

SITE PLAN OF GOL GUMBAZ BIJAPUR



[No. F. 4/28/66-CAI(U).]
SHARDA RAO, (Mrs.)

LIMITS OF AREA TO BE PROHIBITED

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 11th May, 1967

S.O. 2269.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that eleven licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process Covered by the Licence	Relevant Indian Standards
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L—1424 4-4-1967	16-4-67	15-4-68	M/s. Welding Rods Mfg. Co., Plot No. 13/14, Road No. 14, M. G. Road, Udyog Nagar, Udhna, Distt. Surat	Covered electrodes for metal arc welding of mild steel, normal penetration type	IS- 814—1963 Specification for covered electrodes for metal arc welding of mild steel.
2	CM/L—1425 11-4-1967	16-4-67	15-4-68	M/s. Prakash Metal Industries, Chhachrauli Gate, Jagadhri	Wrought aluminium utensils, SIC grade	IS. 21—1959 Specification for wrought aluminium and alu- minium alloy for utensils
3	CM/L—1426 11-4-1967	16-4-67	15-4-68	M/s. Fort Gloster Industries Ltd., Baunia, Distt. Hooghly having their Office at 23A Netaji Subhas Road, Calcutta-1	Flexible cables for miner's cap-lamps	IS 2593—1964 Specification for flexible cables for miner's cap-lamps.
4	CM/L—1427 14-4-1967	16-4-67	15-4-68	M/s. British India Rolling Mills, 23-A Canal West Road, Calcutta-4	Structural Steel (ordinary quality)	IS:1977—1962 Specification for structural steel (ordinary quality)
5	CM/L—1428 14-4-1967	16-4-67	15-4-68	M/s. British India Rolling Mills, 23-A Canal West Road, Calcutta-4	Structural steel (standard qua- lity)	IS. 226—1962 Specification for structural steel standard qua- lity) (<i>third Revision</i>)

6	CM/L—1429 14-4-1967	16-4-67	15-4-68	M/s. Bharat Minerals & Chemicals Co., Transport Depot Road, (Behind No. 9), Calcutta-27 having their Office at 174 Mahatma Gandhi Road, Calcutta-7	Dieldrin emulsifiable concentrates	IS: 1054—1962 Specification for dieldrin emulsifiable concentrates.
7	CM/L—1430 14-4-1967	16-4-67	15-4-68	M/s. Shree Vallabh Glass Works Ltd., Vallabh Vidyanagar, Via Anand, Gujrat State.	Laminated safety glass	IS: 2553—1964 Specification for safety glass
8	CM/L—1431 14-4-1967	16-4-67	15-4-68	M/s. Bombay Cable Co. Pvt Ltd., Agra Road, Bhandup, Bombay-78 having their Office at 6th Floor, United Bank Bldg., Sir P.M. Road, Fort, Bombay-1	Rubber insulated cables of the following types: (i) VIR single, core 250/440 volts grade with aluminium conductor (ii) VIR weatherproof, 250/440 Volts grade with aluminium conductor,	IS: 434 (Part II)—1964 Specification for rubber-insulated cables, Part II with aluminium conductors. (revised)
9	CM/L—1432 25-4-1967	1-5-67	30-4-68	The National Insulated Cable Co. of India Ltd., Shamnagar, 24-Parganas, W. Bengal having their regd. office at NICCO House, 2 Hare Street, Calcutta-1.	Polythene insulated and PVC sheathed cables single core and flat twin only	IS: 1596—1962 Specification for polythene insulated and PVC sheathed cables.
10	CM/L—1433 25-4-1967	1-5-67	30-4-68	M/s. Fort Gloster Industries Ltd., Bauria, Distt. Hooghly, having their Office at 23-A Netaji Subhas Road, Calcutta-1.	Polythene insulated and PVC sheathed single core and flat twin cables only	IS: 1596—1962 Specification for polythene insulated and PVC sheathed cables.
11	CM/L—1434 25-4-1967	1-5-67	30-4-68	M/s. Hindustan Brown Boveri Ltd., Kot Village, Ghaziabad (U.P.).	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes	IS: 398—1961 Specification for hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes.

[No. MD/33:16]

S. K. SEN,
Deputy Director General.

New Delhi, the 26th July, 1967

S.O. 2770.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard (s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
1	2	3	4	5	6
1	IS : 325-1961 Specification for Three-phase induction motors (<i>second revision</i>)	S.O. 1267 dated 28 April 1962	No. 2 May 1967	Clause 8.1 has been amended	31 May 1967
2	IS : 1270-1965 Specification for metric steel tape measures (winding type) (<i>Revised</i>)	S.O. 2042 dated 26 June 1965	No. 1 May 1967	Informal table under clause 4.4 and clause 4.5 have been amended	
3	IS : 1539-1965 Specification for cotton yarn, grey for handlooms (<i>Revised</i>)	S.O. 1081 dated 9 April 1966	No. 1 May 1967	The count of yarn in the french count system has been replaced by the count of cotton yarn in tex system along with its equivalent values in the English cotton count system in brackets	
4	IS : 2215-1963 Specification for starters for fluorescent lamps (<i>Revised</i>)	S.O. 3590 dated 28 December 1963	No. 2 January 1967	(Page 12, clause 8.8.4, line 2)—Substitute '15 seconds' for '10.0 seconds'	6 th July 1967
5	IS : 2548E-1966 Specification for Plastic water-closet seats and covers (<i>Revised</i>)	This standard was previously gazetted as IS : 2548-1963 under S. O. 280 dated 25 January 1964. The revised standard is being gazetted during the current month.	No. 1E May 1967	Clause 3.2 has been amended	1 July 1967

6 IS: 3321-1965 Specification for formal- S.O. 1081 dated No. 1 Clauses A-5.2.1 A-5.2.2 and Table 1 31 May 1967
dehyde solution 9 April 1966 May 1967 have been amended

Copies of these Amendment slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 1 and also its branch offices at (i) Bombay Mutual Terrace, First Floor, 534, Sardar Vallabhbhai Patel Road, Bombay-7, (ii) Third & Fourth Floors, 5, Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54, General Patters Road, Madras-2 and (iv) 117/418-B, Sarvodaya Nagar, Kanpur.

[No. MD/13:5.]

S.O. 2771.—The Certification Marks Licences, details of which are given hereafter, have lapsed or their renewal deferred.

Serial No.	Licence No. (CM/L) and Date	Licensee's/ Name and Address	Article/Process and the Relevant IS No.	S.O.No. and date of the Gazette Notifying Grant of Licence	Remarks
1	2	3	4	5	6
1	CM/L-117 13-2-1959	Metallic Works Pvt. Ltd., 11, Worli Road, Bombay-18	Antifriction bearing alloys—IS: 25-1961	S.O. 618 dated 21-3-1959	Deferred after 30-6-1967
2	CM/L-198 14-6-1960	Bando Plywood Works, 226, Lower Circular Road, Calcutta-20	Tea-chests plywood panels—IS: 10-1964	S.O. 1632 dated 2-7-1960	Deferred after 15-6-1967
3	CM/L-305 30-5-1961	India Supplies Engg. Works Ltd., 84/22, Fazalganj, Kanpur (U.P.)	Single-phase small AC and universal electric motors with class 'A' insulation—IS: 996-1964—	S.O. 1332 dated 10-6-1961	Deferred after 15-6-1967
4	CM/L-316 26-6-1961	The Reliable Water Supply Service India Pvt. Ltd., 17, Gokhale Marg, Lucknow (U.P.)	Flushing cisterns of water closets and urinals (valveless siphonic type) high level—IS : 774-1964—	S.O. 1630 dated 15-7-1961	Lapsed after 30-6-1967
5	CM/L-1074 26-5-1965	Hindustan Tin Works (P) Ltd., Grand Trunk Road, Ghaziabad	Round Vanaspati tins—IS: 1413-1959	S.O. 2132 dated 3-7-1965	Lapsed after 15-6-1967
6	CM/L-1078 31-5-1965	Shree Hanuman Industries, 31-5-1965 65/A, G. T. Road, Liluah	Cast iron flushing cisterns (bell type) high level, 15 litres capacity IS: 774-1964	S.O. 2132 dated 3-7-1965	Deferred after 15-6-1967
7	CM/L-1098 15-6-1965	Kumar Iron & Steel Ltd., Zoo Road, Gauhati (Assam)	Structural steel (standard quality)—IS : 226-1962	S.O. 2403 dated 31-7-1965	Lapsed after 30-6-1967
8	CM/L-1099 15-6-1965	Kumar Iron & Steel Ltd, Zoo Road, Gauhati (Assam)	Structural steel (ordinary quality)—IS : 1977-1962	S.O. 2403 dated 31-7-1965	Lapsed after 30-6-1967
9	CM/L-1276 6-6-1966	Digvijaya Industries Pvt. Ltd., Bangrod, Distt. Ratlam (M.P.)	Structural steel (standard quality)—IS : 226-1962	S.O. 2248 dated 30-7-1966	Deferred after 15-6-1967
10	CM/L-1277 6-6-1966	Digvijaya Industries Pvt. Ltd., Bangrod, Distt. Ratlam (M.P.)	Structural steel (ordinary quality)—IS : 1977-1962	S.O. 2248 dated 30-7-1966	Deferred after 15-6-1967

[No. MD/33:16/C.]

ERRATA

New Delhi, the 28th July 1967

S.O. 2772.—In the Ministry of Industrial Development & Company Affairs (Indian Standards Institution) Notifications published in the Gazette of India, Part II, Section 3(ii), the following corrections be made:

1. Gazette dated 20 May 1967

S.O. 1759 dated 8 May 1967, Schedule:

Sl. No. 14, Col. 4, line 3—Read 'test' for 'rest'.

2. Gazette dated 10 June 1967

S.O. 1972 dated 26 May 1967, Schedule:

(i) S. No. 24, Col. 4, line 3—read 'ash' for 'aeh'.

(ii) S. No. 40, Col. 2, line 3—read 'audio' for 'audu'.

3. Gazette dated 17 June 1967

(a) S.O. 2038 dated 2 June 1967, Schedule:

S. No. 2, Col. 4—

(i) (b) line 3—read '3300' for '3.300'.

(ii) (c) (1) line 2—read 'earthed' for 'eatrthed'.

(2) line 3—read '8800' for '6.600'.

(b) S.O. 2039 dated 5 June 1967, Schedule:

S. No. 7 & 8, Col. 6—Insert the letters and word '15 June 1967'.

[No. MD/13:8.]

(DR.) SADGOPAL,
Dy. Director General.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 2nd August 1967

S.O. 2773.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in Column I of the Schedule below shall perform their functions in respect of all persons and incomes assessed to Income-tax or Supertax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof :

SCHEDULE

Range	ITOs and I.T. Circles
I	2
A-Range, Bangalore	<ol style="list-style-type: none"> 1. Bangalore City Circle I. 2. Bangalore City Circle III. 3. Kolar Circle. 4. Company Circle, Bangalore. 5. Chitradurga Circle. 6. Tumkur Circle. 7. Special Survey Circle, Dharwar. 8. E.D. cum I.T. Circle, Bangalore.

I

2

	9. In respect of orders passed under the I.T. Act by the following ITOs of Bangalore Circle, Bangalore :	
	Income-tax Officer, Admn.	(1)
	Income-tax Officer, Asst.	(1)
	Income-tax Officer, Asst.	(2)
	Income-tax Officer, Asst.	(3)
	Income-tax Officer, Asst.	(8)
	Income-tax Officer, Colln.	(1)
B-Range, Bangalore	1. Bangalore City Circle II.	
	2. Special Survey Circle, Bangalore.	
	3. Salary Circle, Bangalore.	
	4. Central Circles I & II, Bangalore.	
	5. Rural Circle, Bangalore.	
	6. Special Investigation Circles, A & B, Bangalore.	
	7. Mangalore Circle.	
	8. Udupi Circle.	
	9. Mysore Circle.	
	10. Coorg Circle.	
	11. E.D. cum I.T. Circle, Mangalore.	
	12. In respect of orders passed under I.T. Act by the following ITOs of Bangalore Circle, Bangalore.	
	Income-tax Officer, Admn.	(2)
	Income-tax Officer, Asst.	(4)
	Income-tax Officer, Asst.	(5)
	Income-tax Officer, Asst.	(6)
	Income-tax Officer, Asst.	(7)
	Income-tax Officer, Colln.	(2)
Dharwar	1. Dharwar Circle.	
	2. Hubli Circle.	
	3. Karwar Circle.	
	4. Bellary Circle.	
	5. E.D. cum I.T. Circle, Dharwar.	
	6. Shimoga Circle.	
	7. Hassan Circle.	
	8. Davangere Circle.	
Belgaum	1. Belgaum Circle.	
	2. Bijapur Circle.	
	3. Goa Circle.	
	4. Raichur Circle.	
	5. Gulbarga Circle.	

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Income-tax of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall from the date of this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of Income-tax of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This Notification shall take effect from 5th August, 1967.

Explanatory Note

The amendments have become necessary on account of creation of a new Circle known as Bangalore Circle in place of Bangalore City Circles I, II & III and reorganisation of the Appellate Ranges in the Commissioner's Charge.

(The above note does not form part of the notification but is intended to be merely clarificatory).

[No. 67 (50/158/67-IT)]

P. G. GANDHI, Under Secy